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POLITICAL SCIENCE QUARTERLY

EXPERIMENTAL CONTROL IN RUSSIAN INDUSTRY[1]

I

NEITHER the objectives nor the instruments of control in any group are necessarily or, perhaps, often to be discovered from reading. What is written is frequently apology for, or at least explanation of, what is. And this dry rot at the root of the plant inevitably distorts the fruit of literature. The truth is only to be found in some less passionate assessment of practice. This is why Russia is not to be understood even by the most diligent user of library shelves. Those who write about Russia are usually less interested in what is going on than in defending or attacking the literary theories of communism or capitalism. What is required for understanding in this case is a particularly cleansing flood to clear the Augean stables we carry about with us as minds. Once the stable is cleansed, however, by some Herculean effort, we are in a position to achieve the experimental attitude which judges by results rather than by effects on the mass of doctrine which litters our minds.

The word experiment is so frequently misused that it may be well to point out that those who speak of Soviet Russia as a "communist experiment" are no more correct than those who speak of America as a "capitalist experiment." It is not a communist or a socialist experiment. It is simply an experiment. And its objectives and its instruments are badly con-

[1] Developed from materials used in addresses to the students of the Robert Brookings Graduate School and the Department of Philosophy of Columbia University.

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fused by the modifying adjectives. They introduce the literary preconceptions which are so fatal.[1] If America has made progress it is perhaps because our capitalist ideals have been rather roughly violated by irreverent practical measures; Russia is making progress by profaning other shrines. It is curious that the loudest worshippers should so frequently be, in the sphere of conduct, the profaners; but such certainly is the case and it is only a confession of unintelligence to plead ignorance of inconsistency. Illustrations are equally easy to find in either nation. Lenin as the expositor of Marx is difficult to reconcile with Lenin, the author of the New Economic Policy. The judge who gave his name to the Gary dinners would not have been expected to be a consistent pleader for competitive arrangements. It is interesting to see how, in the midst of contradictory reality, apologists for the pure doctrinal conception continue to speak in ideal terms. One must understand the main activity of many Russians to be directed toward making reality conform to the all-too-rigid teachings of Marx. Such an exegesis of Marx as will justify a current practice dictated by day-to-day emergencies is a supreme necessity. Mr. Pasvolsky[2] thus correctly paraphrases Lenin:

> What takes place in the course of the social revolution, is this: first, the capitalistic state is destroyed by means of a violent revolution, and its place is taken by a proletarian state, built objectively along the same lines; and second, this proletarian

[1] It has been interesting to discover a student of Italian Fascism reacting in much this same way. Communism in Russia and Fascism in Italy have numerous common characteristics in spite of the wide difference in ultimate objectives. And Italian Fascism, like Russian Bolshevism, is to be understood rather by what it does than what its apologists say it is. The following passage is from Mr. H. W. Schneider's "Phases of Fascism" in *The Historical Outlook*, vol. XIX, pp. 7-13 (January, 1928): ". . . . Fascism is changing continually; it is a movement, not a party; a government, not a doctrine. . . . The real issues and conflicts are now within the movement and not between Fascism and the opposition. As long as the opposition was alive, Fascism showed a solid front to the foe, but now that the opposition is largely *émigré*, the internal differences are coming to the fore." These remarks would be precisely as true of Russia as of Italy.

[2] In his *Economics of Communism* (1921).

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> state gradually disappears, "dies off", and the system of Communism proper is established. In the course of the process, the whole economic basis of social life undergoes a vital and radical transformation and the state, which is the manifestation of one of its phases, also undergoes a metamorphosis.

So the way is at least opened to change even if it is still made to appear familiar to Marxians. Those who, like Stalin and Kalenin, are forced to function as heads of the Russian movement, have learned their lesson from Lenin. What is going on must be made orthodox. They spend much of their time making it so.

Are we different? Recently I picked up one of the letters of the National City Bank,[1] in which the facts of our current industrial situation were summed up in most optimistic terms. The whole achievement of our industry, which was there recounted, depended vitally on the coordination and control which are growing into our industrial structure. This was evident on every page; but it was never acknowledged. On the contrary, a last paragraph reads as follows:

> This chapter in our industrial history affords a demonstration of the essential validity of the orthodox theories of natural law in the economic world, upon which is based the free system of industry commonly known as the capitalist system. It shows this system to be controlled by inherent forces which work ceaselessly to improve the industrial organization, to enlarge the production of desirable things and to effect a wide distribution of the benefits of industrial progress. This period, however, is not different, except perhaps in rapidity of development, from other periods in the history of industry. All the development of the past is the result of the same natural laws and tendencies. Society is racked almost to the point of dissolution over theories of conflicting class and group interests, although evidence of the fundamental harmony of interests is always in view.

One might, I think, expand the dictum that foxes approve large families among the rabbits. They also, nowadays, want

[1] *Economic Conditions, Governmental Finance, United States Securities* (November, 1927).

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the rabbits to believe in their benevolence, and even in the inevitability of whatever may happen to them, so sure are they that even disasters, if they are orthodox, are desirable. At least they intend to spare no pains in making reality conform to orthodoxy. This is equally true of the foxes in Russia and America. If, as Mr. Keynes suggests, communism is a religion,[1] capitalism is a fetish.

This is a hard circumstance for honest minds which have joined a faith in innocence and with trust. I cite the experience of Mr. Bertrand Russell who, after his trip to Russia, had to write a difficult passage:

> Perhaps the love of liberty is incompatible with whole-hearted belief in a panacea for all human ills. If so, I cannot but rejoice in the sceptical temper of the Western World.[2]
>
> I went to Russia a Communist; but contact with those who have no doubts, has intensified a thousand-fold my own doubts, not as to Communism in itself, but as to the wisdom of holding a creed so firmly that for its sake men are willing to inflict widespread misery.

This was the admission of one of the most honest men who ever lived. The point is, I suppose, that one can always say that present misery is the necessary prelude to something a great deal better. The great difficulty comes when what one has suffered for, and has made others suffer for, turns out to be unworkable, and comes to be modified in practice. It had been necessary to bulwark the original dogma with the fervor of blind faith. One who has preached the dogma of capitalism or of communism cannot afford to admit—even to his own conscience—that he has let down whole masses of people; it becomes necessary, therefore, to bring the new practice into the classifications of belief. But this makes the situation difficult to understand except in its complete historical setting or in its bare reality. It is surely allowable to prefer the bare reality.[3]

[1] *Communism and Laissez-Faire* (1926).

[2] Perhaps Mr. Russell overstates this temper. We are sufficiently sceptical of Russia and all her works; but is this also true of capitalism and all its works?

[3] For nineteenth-century history nothing is so complete as Mackenzie Wallace.

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II

The bare reality in Russia cannot be described in a word or a phrase. None of the ready-made categories fits. Even briefness does violence to the truth: as Alfred Marshall once said, "All short statements are wrong". It is recorded, however, that the rejoinder was, "Is that one of them?" To say anything about reality which will be read or listened to, however, one must be brief, must risk possible violence to the truth. With this acknowledgment I proceed.

Industry is everywhere recognized in Russia as the conditioning process in modern life. All other considerations are judged insignificant in contrast with the need there is for organizing the economic life for better results.[1] Political, ethical, aesthetic —all other—values are ruthlessly sacrificed to this. And what is more, individuals and groups are, if necessary, and so far as expediency will allow, also ruthlessly sacrificed. But industry is conceived in strictly national terms, as, in fact, a rounded and self-sufficient system. And this involves agriculture and the other extractive employments as well as home-industry, the factory system, and external trade. The national plan involves all economic activity. For this plan, the place of control is in Moscow. It is, it is true, scattered among a variety of councils and committees, so far as the determination of executive policy goes; but the area of concentration for control is, unless

But see also J. B. Brebner's chapter in *Soviet Russia in the Second Decade,* and Maurice Dobb, *Russian Economic Development Since the Revolution* (1928). The series of small books issued by the Vanguard Press is useful for an account of special phases.

[1] Mr. H. N. Brailsford, writing in 1927, in *How the Soviets Work* (pp. 150-155), says, in this connection: "Each Soviet, from Moscow to the remotest village, has one practical goal before it—to increase the output of industry and to draw richer harvests from the soil. These are the politics of the beehive. In spite of her backwardness, in spite of her poverty, and in spite even of the relics of her old illiteracy, short of machines, short of skilled workers and technicians, hampered by the old habits of careless, unorganized work, the will of Russia is bent upon these concrete tasks with a hopeful concentration unique in this world of ours. She is still poor. She is still backward. With all that she has done, she has not yet raised herself within sight of the Western European level. But the rate and promise of her relative progress stagger an observer who saw her plight, as I saw it, in 1920."

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my judgment is wholly incorrect, in the services of information and of planning. Mr. Russell, as long ago as 1920, said, with some wistfulness, that Russians of the executive group were beginning to think of themselves as "hard, practical men". This was an acute observation for 1920; but one could hardly miss it in 1927. But for all that, one might easily miss the significance of it for the guidance of industrial activity. For a hard, practical man is first of all dominated by facts. In order to shape his policy in their light, however, he has to have them. And so we arrive at an understanding of the ubiquitous rash of figures, charts and statistics which are so prominent a feature even of every-day life in Russia. One cannot walk in the street, much less talk to anyone, without confronting this phenomenon. Unskilled observers have sometimes set all this arithmetical activity down to the uses of propaganda. It is nothing of the sort. It is a part of the blazing determination of Russian executives to know where they are and to run their system in the strictest accord with this knowledge. The fundamental locus of control must therefore be said to reside in the elaborate organizations which exist for the gathering of facts and for planning a possible future. But facts have somehow to be transformed into policies. They may determine what is to be done, but not absolutely, for the best of them are only records of events and revelations of reality. The crucial question is how to get out of less desirable and into more desirable situations. Here facts may point the way clearly or they may present several alternatives, any one of which might conceivably be expected to get results. This is their limitation and their area of usefulness. The decisions which must be made are "hard and practical" only when they determine policy in the direction of the clearly indicated goals or when they choose from among the possible alternatives the ones which at least have definite promise of measurable results. This is precisely what the Russians are trying their best to do; to take each clear path and, when the paths are not clear, to take a promising one energetically—but experimentally.

What this last requires is, that the course of operations be entered on with enthusiasm but not with faith. They have to

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be kept in hand; measuring devices have to spread their squares across them. They have to demonstrate results, so that, if necessary, and without revolutionary root-pulling, they can be changed. The Russians, being men of the "hard, practical" variety, come closer to this sort of pragmatic government than any social group I have even seen. It is astonishing to recollect that this experimentalism is at work in a national effort which involves nearly 150,000,000 people and one-sixth of the area of the globe, with the whole of its industry and all its social institutions. Education, social insurance, and the publishing of books come as prominently within its purview as does the operation of the steel works in the Donetz basin. It will be realized of course, that social situations are so complex that clearly required decisions are relatively few and that experimental ones are relatively numerous. What is needed in the way of machinery for the adoption and carrying out of experimentally good decisions is, first, a universally informed and supremely powerful body to initiate policy and, second, a responsive and thoroughly controlled organization for putting it into effect. This last organization is required not only to carry through positive mandates but, when necessary, to slow down or speed up, or even to stop and to begin over in a different way. Enthusiasms are necessary but they have to be for general rather than specific results and policies. The Russians have this kind of enthusiasm to an extraordinary degree. For, besides the national sentiment which, naturally, in a revolutionary generation, is highly developed, there is an added fillip which comes from at least two sources: Russia is the first workers' republic; and it is also the first industrial experiment ever tried on a grand scale.[1] With these general reservoirs of enthusiasm to call on, there is plenty of scope for the emotions without tying them down to detailed plans. The way in which the Communist Party and the trade unions are organized also helps. The party is a national organization with international aspirations. The Communist of the rank and file is encouraged

[1] With the result, says Mr. Brailsford (*op. cit.*, p. 157), that "politics has been eaten up by Economics".

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to keep his eyes on general results and he shows almost unanimous willingness to sacrifice self and group to these. The trade unionist belongs to a group which is also industrial rather than craft, national rather than local. Free adjustment of programs is made possible by these unique forms of organization. The disappearance of a craft or the substitution of machines for men is viewed as a step toward national greatness; the rise of one industrial area or the decline of another disturbs no such deeply-rooted emotions as would be disturbed in a western country. The discipline is well-nigh perfect.[1]

A part of the reason why it is kept so is the constant effort which goes on to make what is done for experimental reasons appear perfectly orthodox. Rationalization of this sort is one of the major industries in Russia. The contrast between Russia and America in this respect is very slight; it is also a major industry with us. The difference is that the Russians generate an enthusiasm for industrial effort among the rank and file which is conspicuously lacking here. Perhaps that is because their orthodoxy is more appealing than ours to workers; perhaps also their approximation to their objective is somewhat closer.

[1] Speaking of the Communist Party, Mr. H. J. Laski says in *Communism*, p. 51: "They are, as a party, comparable to nothing so much as the Society of Jesus. There is, in both, the same rigorous and unyielding set of dogmas, the same iron rigour of discipline, the same passionate loyalty capable of unlimited self-confidence. . . . . Like the Jesuit, the Communist has no personal ends to secure; he feels himself essentially the servant of a great idea. Like the Jesuit, also, the Russian Communist has the assurance that he works for a cause that is bound in the end to triumph. No one can read the literature of Bolshevism without the sense that its doctrine of predestination is one of the secrets of its success; no one fights so well as the man who has assurance of his ultimate triumph. . . . They know so surely the rightness of their end that they feel morally entitled to use all means for its accomplishment." Mr. Laski's analogy with the Jesuits is a good one. It furnishes that wide aim of which I have spoken. I think, however, that if Mr. Laski had seen the State in operation he would agree to the intepretation of that dogma as being a theology but not a program. Indeed, he seems to have an inkling of this, for, in another place (p. 53), he says of communism that "Marx supplied it with a strategy, and Lenin and his disciples have turned that strategy into an applied philosophy", which is true; but the applied philosophy has been curiously interpenetrated with pragmatism so that results are the immediate tests and the criteria of communism are applicable only to a postponed future.

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It is relatively easy to pursue these considerations into numerous nuclear situations. We might, for instance, see what the facts of population are, what policies they require, and what policies have actually been adopted. It will, perhaps, be useful as well to examine similarly the facts concerning production and those concerning prices. These illustrations, among them, ought to reveal something of the organization there is for control.

The gross physical facts of population are that there are 146 millions of people, eighty-two per cent rural and eighteen per cent urban. Of these urban folk about nine millions are workers in factories, transport systems and distributive or similar organizations. Some other facts are relevant to the problem. The rate of growth of the rural population is about 2.7 per cent annually. This has to be remembered in connection with the figures of expansion. For a number of years, the expansion of industry has been rapid, but has exhibited a diminishing rate of progress. This was to have been expected, since the years of war and revolution had reduced industrial activity to a point which was far below normal for Russia—about 1920 it seems to have been as low as seventeen per cent of 1913. The gain in agriculture shows, also, a rate which is not more than a third or a fourth of the rate for industry.

If then there are some three millions added to the rural population each year the question of what is to be done with them becomes acute. It is difficult to provide rural occupations, since the more desirable rural districts are already crowded and landholdings are already seriously small for modern agriculture; also, the rural standard of living is already extremely low, and agriculture is, by its nature, the sort of activity in which customs change but slowly. There is, too, the added fact that the land has been divided on a family basis; it is owned by the state, but holdings are given in perpetuity so long as the family continues and uses its land productively. The result has been a growing drift to the cities and to urban employments. Since these comprise now not more than ten or twelve millions, the productive employments do not—and can not—advance with sufficient rapidity to absorb them. Add to

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this the fact that Russian industry is in the throes of a great rationalizing or efficiency-engineering process, which inevitably requires the substitution of machines for men, with at least a temporary reduction in employment, and the problem becomes very acute indeed.

What are the clear requirements of these facts? One versed in the gross data and without knowledge of Russian intentions would say that (1) population ought to be limited; (2) ways ought to be devised to expand employment opportunities both in agriculture and urban industry; and (3) that more land ought, if possible, to be opened to use. No extensive governmental propaganda for birth-control seems to be contemplated, though it is somewhat passively encouraged; but a visitor is constantly surprised at the active and undiscouraged way in which all other means for relief are being exploited. The work of the executives responsible for agricultural expansion was particularly impressive and interested me most because the country is so largely rural. Siberia is being opened up and colonized; the possibilities of dry-farming are being explored and used. Thousands of new villages are being built to relieve pressure on the overcrowded areas of the Ukraine and White Russia. New crops are being introduced, particularly of the "technical" and intensive varieties; mechanization of farming is being pressed; the old strip-system is giving way to the field-system; rotation practices are being reorganized.[1]

All this has required effort in planning what things to do first and how to carry them out; and it calls for the provision of means and personnel. The planning takes place as a result of the varied activities of the Council of Labor and Defense, having as its right arm Gosplan, the National Planning Commission. It is done in budgeting fashion. The requirements and possibilities are made clear through the reports of district, gubernia and republic agronoms, collected by the Commissariats of Agriculture[2] and checked by the figures of the Central Bureau

[1] I have explored these matters further in *Russia in the Second Decade* (1928, The John Day Company).

[2] There is no Commissariat for the Union, but one each for the Republics.

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of Statistics. These requirements of agriculture are reconciled with other national needs by Gosplan. The Council of Labor and Defense decides finally the effectual policy. The Commissariats of Agriculture then, in the various Republics, through executive organizations extending down to the local agronoms, put it into effect.[1] The capital is provided through a really ingenious Land Bank system. All this may at first seem impossibly intricate and divided, but let us see how an individual item of the program works: the extension of the use of machinery for agriculture. There are a number of organizations involved. Some machinery is imported. Some is made by the State trusts. It is all distributed through the State cooperatives. Credits with which to buy it are furnished by the district Land Bank through local credit cooperatives. It is necessary that the national supply of capital be reconciled with the needs of various industries. It is decided whether, in view of the needs, agricultural machine trusts ought to get less or more. It is decided how much ought to be and can be imported. These decisions make certain calls on the distributive system. They make necessary certain work by the district agronoms and the provision of credits through the Land Bank. Failure in any of these respects would be more or less disastrous—hence, the need for Gosplan. When the work of this organization is assessed, the simplicity of the Russian scheme, even in the midst of seeming intricacy, becomes apparent. For Gosplan, though it has no executive function, and has not even the final say in planning, nevertheless has its say first, and this, when made adequately, is the most significant. Theoretically, Gosplan exists for technical assistance to the Council of Labor and Defense; actually its policies dominate Russian effort.

This possibly makes national planning easier and also transforms the Departments of Agriculture into executive organs only. Gosplan also has its own local representatives who check their figures against those of the Agricultural Commissariats.

[1] The Supreme Economic Council administers industry in a similar way. If Gosplan is the right arm of the Council of Labor and Defense, the Supreme Economic Council is at least one of its left arms. It can manage industry more effectively than agriculture can be managed because industry is largely state-owned and operated and agriculture is not.

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It would be a mistake to give the impression that all this works with perfect efficiency. After all, the Russians have had but little time to play this sort of game and they are not yet letter-perfect by some considerable distance. But one or two conspicuous results are apparent. All the machinery they can afford to make or to import is moving into use without insuperable difficulties of financing or obstructive resistance by peasants versed in other customs. And the land system is rapidly being remodeled into one in which machinery can function with greater effectiveness. These results are clear; and they are important. For it is by such definite tests as these that we can judge the correctness of the general conception of planned control.

And yet, in spite of all attempts to meet their difficulties realistically and with an adequate program, there remains a most serious population problem. No one can view the figures for unemployment or the size of land-holdings,[1] and deny this. I have not meant to say that a solution is even in sight, merely to indicate that what the facts require the Russians are doing to the best of their ability and to the limit of their resources. What this has to do with the issue of capitalism *vs.* communism, it is difficult to understand. It seems to be realistic and experimental, just that and nothing more. If the methods used fall more into the classification of one than of the other political philosophy, that ought not to be the occasion for emotional excitement, if there are other criteria for reference. So long as the facts dominate policy and so long as policies are executed in their light and effectually, one can scarcely ask more.

III

What are the similar facts concerning production and what are the policies which have been devised to meet them? The first relevant phenomenon which meets the Western eye is an obvious dearth of many of the goods which give Western civilization its characteristic color. This is largely a historical

[1] More than eighty per cent of the holdings in Russia are of less than twelve acres.

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matter. Russia has always had a rural civilization in which the dominant industry has been agriculture seconded by the home-manufacture of textiles, furniture, food products and even such things as leather goods and implements for farming. The industrial revolution reached Russia late and even in 1914 had not made any great impress on the total economy. There followed years of war and revolution which reduced even this industry to a nearly negligible percentage of its former effectiveness. Subsequent recovery has brought this figure back to about 109 per cent. But even so, the rural stamp is everywhere visible to the eye.

To bring Russian industry up to the point at which there shall be the characteristic Western balance between industrialism and the agricultural arts is the general objective of present policy. There is more involved in this than appears on the surface; for instance there is the involuntary necessity for going it alone which marks Russia off from most other countries. This was first forced by intervention and blockade; it is still necessary because of the more or less active hostility of other nations and also because the conditions on which outside aid has so far been offered are considered impossible. Faced with the double necessity for raising the standards of living and of doing it largely without assistance, the Russians surveyed their resources and decided that it could be done. But there was great need for improved technique in mass production, for careful husbanding of existing capital and for additions to it, and for building up such a balance of foreign trade as would make it possible, in spite of diplomatic enmity, to import some of the heavy machines, technical instruments and agricultural machinery which would immensely speed up the process. These things seemed clear from the first. It also seemed clear that the urban proletarians, who, in theory, were the dictators, must, for a number of reasons, make considerable concessions to the peasants. Peasants furnish raw materials; they are consumers of finished goods; and they so greatly outnumber urban workers that disaffection among them, which would lead to a refusal of cooperation, would be serious. Also, not least important, it is to the peasants that one must look for an impor-

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tant part of the exportable raw materials with which to build up balances in foreign markets.

State trusts were formed to take over the disorganized factory and transport systems, and the peasants were conciliated in numerous ways, most conspicuously at first by the gift of the land, later by other favors. The machine moved slowly at the beginning; then with a rush which gave new courage to the Moscow neophytes. They saw that with a reorganized and trustworthy currency and credit system, and with a well-conceived national plan, including both agriculture and industry, they might achieve what their enemies persisted in believing impossible. It is through the eyes of the critics of 1920 that one gets the most revealing view of Russia in 1927.

The most unique instrument for their purpose to achieve a multiplied productivity, was discovered when Gosplan was invented. Its business is to look ahead toward what is possible in view of the past and the present. Its members are regarding at present a point fifteen years away. Two necessities they had: plenty of good data; and such an organization of economic life as would make manipulation possible. The first they have achieved gradually through the growing technical excellence of their own staff, in Moscow, and in the capitals of the other Republics, and through working arrangements with such other organizations as the Central Bureau of Statistics and the Conjuncture Institute; the second happened to be present because of the state trust system which makes it possible to do some things—very necessary things—which could never be managed in our scheme of organization. It is, for instance, easy for the Council of Labor and Defense, working through its administrative arm, the Supreme Economic Council, to take a surplus from one industry and add it to another's budget, thus making the strong assist the weak, widening and buttressing the foundations of the whole system of industry according to plan for strengthening the whole rather than any part. This Council of Labor and Defense, being the concentrated reconstruction board for the Union, and the Supreme Economic Council, the head and front of the industries, transform the work of Gosplan from theory into reality. All this could be

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done in our system only by the concatenation of a number of voluntary acts. A board of directors would have to pass its surplus to dividends; the dividend-receivers would have to purchase new securities; the new securities would have to be provided by the initiative of some individual or group who had decided voluntarily to make some good or to provide some service; and some investment banker would have had to have his palms liberally greased for persuasion before the new securities could get to the intending investor. Only in this way, usually, can the surplus of one industry become the capital of another. In Russia, a few bookkeeping entries achieve the same purpose.[1]

It seems to me that Gosplan, with its carefully compiled data —the organization is one of economists supported by engineers, statisticians and like technical experts—and with its widely published quotas, is very nearly the most vital organ in the Russian State. There is not a factory, nor an agronom's office in the land which has not a quota report from Gosplan with what was expected and what has been achieved correlated in great, revealing lines of charted red and black. They are hung alike on factory walls and in offices, in the headquarters of village soviets and in the dispatching quarters of transport systems. For two years now, expectation and achievement have run so close together that anyone, I think, who is used to Western *laissez-faire* and who is familiar with statistics, would fail to swallow the seeming correlation as true if there were the slightest evidence of rigging. But there isn't. It is part of the fascinating game of exactly estimating your powers and constantly achieving at least the official expectation; and just possibly a little more. Gosplan sets quotas. But there is another equally compelling function which belongs mostly to the Supreme Economic Council. This is the allocation of capital of which we have just been speaking; this council also, for this and for such other reasons as its administration of much of the

[1] Behind the book entries there are, of course, an enormous amount of work and many reconciled differences. But the differences *are* reconciled, not left to the uncertain summation of many uncoordinated acts carried out with various purposes in view.

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price system, is a vital organ. Last year the decision was taken by the Council of Labor and Defense to sacrifice the finishing industries to the needs of the heavy trades—metal-working, largely. There is, consequently, much effort going into the planning and reorganization of such units, for instance, as steel plants. And the finishing industries are being temporarily neglected in favor of an expected development in them when the basic industries have been built up. These needs and plans have to be foreseen. In Sverdlusk, in September, I saw a building full of Gosplan technicians who had just completed one of the largest and, they believed, one of the most efficient steel plans in the world—on paper. The first shovelful of dirt was not turned until the last rivet was driven, the last rouble of capital provided for at the end of the fifth year of construction, and the last laborer as well as the last unit of machinery found, transported and housed—on paper. Gosplan sets the stage and makes known expected results; the Supreme Economic Council and its state trusts produce the results if they can. Whereupon Gosplan checks up, revises its estimates and sets new quotas.

My general conclusion from many experiences like that in Sverdlusk, and others of a sort equally startling to a Westerner, was that the politicians had given so many hostages to the economists that they might as well quit work, except, of course, as they serve to bring all the economic effort into the line of faith and to keep the rank and file persuaded of orthodoxy. When plans so well drawn and so universally known and talked about are abrogated, some one wants to know pretty well why. So good a man as Trotzky failed to break into the system; others may be warned. For Trotzky thought the peasants ought to be exploited to enhance the proletarian strength. What, he asked, have the peasants ever done for the revolution, and what will they ever do? Gosplan's figures were answer enough; and gradually the "dictatorship of the proletariat" has given way to the notion of a "workers' and peasants'" government.

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IV

The experimentalism of the new administrators in Russia is made clearer by examining a definite difficulty and discovering what is done in the way of solution. The economic recovery of the country had gone far enough in 1927 so that some of the permanent aspects of controlled industry began to stand out. One of these was the difficulty that most critics of socialism advance: that bureaucracy might sap the initiative of local units so that what is gained through better coordination might be lost through discouragement at the inflexible and irrelevant compulsions of absentee direction. A Gosplan is all very well, such critics would say, but it may require impossible tasks or it may not exploit its opportunities because it cannot know local conditions. This pre-judgment seems to have been, in a measure, correct; at least a sufficient scare concerning bureaucracy arose in 1927 to cause the promulgation of a new decree and the revision of some industrial attitudes. But, it is important to see, these changes were made before the outside critics were aware that the situation had become acute. The decree provided for increased powers to the directors of individual plants. At the same time, the movement toward integration and coordination was also strengthened. It was not judged that, because red-tape had begun a strangling process, it was necessary to return to Russia's pre-war industrial anarchy. At that time, there were 13,000 separate establishments, exclusive of mining enterprises, bound together only by those tenuous threads of common interest which are usual under free enterprise. Like other countries, then, Russia's businesses worked at cross-purposes and dissipated their energies in conflict. The war and the civil wars literally ruined this system. In 1920, Russia had almost no industry at all. Its rebuilding has been upon a different plan. Some 7,200 separate establishments are operated by the state trusts; and these employ about 95 per cent of the total number of industrial workers in all manufacturing establishments in the Union. These new trusts are not dissimilar to the patterns of industry in the United States; they are mostly what we would call "horizontal", but some are

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"vertical", combining, as they do, adjacent or consecutive stages in the process of moving goods from the raw to their finished states.[1] Some are large and some are small but the line of their development is very clear. The tendency is not to create new ones, but to merge the old ones, and to confine the growth of productive activity to the organizations already in operation.[2]

But this process of concentration and of confining expansion to existing organizations has gradually intensified the problem of freeing local units and of stimulating initiative. The decree of 1927 resulted from this situation. By it the local directors are given considerable independence and also, incidentally, are made more responsible. They can now, for instance, form their own staffs without interference from above; they are consulted concerning the general policies of the board of the trust, by which the production program and the budget are determined upon. And this procedure is followed, also, in planning for supplies of capital, machinery and raw material, functions hitherto carried out without consulting plant superintendents. Some other features are important:

Every establishment must be guaranteed specific prices for the products which it sells to state organizations. If the production costs are found to be lower than estimated in the program, the difference between the estimated costs and the actual costs is turned over to the establishment and may be used either for the expansion of the plant or to improve working conditions. At the same time, every establishment has the right, subject to control by the trust, to sell a certain portion of its output on the open market and to purchase certain necessary supplies. Expenditures for re-equipment and expansion of the establishment must be authorized by the board of the trust and

[1] The passages which follow are largely based on information from the economists of Amtorg. *Cf.* especially "The Organization of Industry in the U. S. S. R.", *Economic Review of the Soviet Union*, Feb. 1, 1928.

[2] For instances of this see the article referred to above, which cites the merger of six textile trusts into three new ones and the combination of Mossukno and the Wool Trust, which brought forty factories under one management.

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the director has the right to purchase equipment and to authorize new construction only within the limits of the annual program prepared by the trust. The new decree, however, permits additional expenditures required for vitally necessary construction and re-equipment not included in the program.

In general, individual plants and factories are still considered, according to the new decree, purely as production units. The selling of goods and the purchasing of supplies will still be in the hands of the boards of the trusts or syndicates. The majority of trusts are members of syndicates which are organized in every Soviet industry. Instead of selling their products in the open market, or purchasing supplies individually, the trusts turn over their finished products to the syndicates for disposal and also make their purchases of raw materials and other supplies through the syndicates. In many industries this centralization of selling and purchasing covers the entire industry. This is true, for instance, of one of the largest industries, the textile industry. It is true also of the oil industry. In some industries these functions have been centralized to a smaller degree. The syndicates have succeeded in greatly reducing selling expenses and also in facilitating relations between the trusts and the cooperative unions, which carry on the bulk of the retail business in the U. S. S. R.

Besides extending the rights of the individual establishments in production matters the new decree has given the trusts more legal rights. The trust operates on what is called "a commercial basis", i. e., it is regarded in a sense as a private enterprise out for profits. The relations between the trusts and third parties are regulated by state organs, commissariats for trade, industry (the Supreme Economic Council), etc. The decree while retaining this regulation provides against its undue extension in order not to cripple initiative of the individual trusts. The decree strictly regulates the limits within which the commissariats may regulate the business of the trusts. The principal function of these regulatory organizations is the ratification of financial and production programs of the trusts including programs of new construction, appointment of higher officials, control over the price policy, and general supervision.

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Current operations are entirely in the hands of the trusts which are held accountable for results.

In order to facilitate the relations between the trusts and the higher government bodies trusts are put under the supervision of the so-called chief administrations of the Supreme Economic Council. There is a chief administration for each principal industry. The functions of this administration are to coordinate the work of all the trusts in the industry and to take up with the higher organs all problems beyond the jurisdiction of the chief administrations.

The tendency toward permitting more latitude to the operating organizations in industry was also reflected in the laws regarding the trusts of merely local and republican scope. These trusts, unlike the All-Union Trusts, which are under the supervision of the Supreme Economic Council, are controlled by the republican and local organizations. They account for nearly one-third of the total production of all state industries. Although some are of considerable magnitude, the majority are combines of small establishments. The new laws provide against the creation of multiple administrative organs around such establishments, and have turned over to the local units the right to make practically all decisions regarding them. The jurisdiction of the central bodies has been reduced to a minimum.

The important feature of all this is that a situation which threatened to become a serious handicap was met in a flexible manner. The facts were discovered and their conditions met. Here again, as in other fields, it is difficult to discover the hand of the doctrinaire. One sees only a rather remarkable flexibility in administration at complete variance with the dogmatism of political polemic.

V

We have run over the facts—the most obvious and gross ones—which group themselves roughly under the head of "population" and of "production". Some consideration of those which have to do with "prices" was also promised. Just as facts these are fascinating to the economist. For our purpose here, they serve equally well to demonstrate that willing-

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ness to defer to reality which so surprised me, as it has others, in Russia. For what I knew of Russia I had got from Dostoievsky, whose conception of time is well illustrated in *The Brothers Karamazoff*, or from Tolstoy, who turned his back on industrialism and all its works. A people who could understand, even raise to classic repute, a Dostoievsky, or honor the ideas of a Tolstoy, could never build a Detroit, it seemed to me, or run a railroad or a telephone system in the modern manner. I confess to believing now that I was mistaken then. And after all there was little reason in it. Mark Twain was scarcely a successful industrialist and Thoreau turned his back on Boston with almost Tolstoy's scorn of civilization after the urban pattern.

Prices being a function of the relationship between goods and money, and both goods and money being almost non-existent, in the market sense, in 1920, prices fell into a condition of chaos which beggars description. I shall not try to describe it; simply to say that after the reorganization of the currency in 1921–23 the situation disclosed itself, to one who has the usual classical text-book conception of a normal price, to be one of those which cannot exist, but nevertheless do. I was some time in Russia before I could see how things could be as they are. For prices are at once too high and too low; and they are moving in directions which make the laws of value seem suddenly to have been reversed. Prices with us in their more esoteric phases, transformed into indexes, levels, and the like, are measuring devices. In Russia they are this but also something more; they are a commonly used instrument of social pressure.

The Russian level is perhaps twenty-five per cent above the European level; yet it is so low that there can be a well-marked goods famine, with queues, depleted store stocks, and all other characteristic phenomena of such a situation. Also, when selectively examined, it appears that with an increasing agricultural production, prices received by peasants are rising at the same time that prices of industrial goods are, under the same prevailing conditions, falling. So marked is this trend that it threatens, happily, to close the so-called "scissors" which

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have clipped so much from the narrow margin of agricultural welfare all over the world in post-war times. The whole affair looks at first like a well-marked defiance of facts—an attempt to make something out of nothing. In reality it is very different. Nothing increased my own respect for the Russians more than their use of prices to achieve a perfectly practical result once I began to understand the facts and their intentions. We have seen that they wanted to increase production, both of agriculture and of industry. To do this, they had to recognize that different motives operated in each field. Industry was socialized into state trusts. There are no profits in it for anyone but the state. Initiative is got by other rewards, interesting in themselves, but not relevant just here. It is sufficient to remark in passing that they seem remarkably effective. Farming, however, remains an almost wholly individual enterprise; and the size of the product is judged to depend very materially on the profits of the business. The depression of the prices of industrial goods was a means for putting pressure on executives to find efficiencies which would cut costs. It also could result in an increased living standard for both peasants and workers provided their money incomes were maintained. The raising of farm prices offered inducements to an efficiency which could increase the exportable surpluses of grain so badly wanted to make imports of machinery possible.

A rather complete monopolization of internal production and trade was necessary to this result; as was also an effective control of exports and imports; but these conditions already existed. Given such arrangements, the notion that prices could be manipulated in the interest of the social economy was an idea not difficult to generate in unsophisticated Russian minds. They had to learn a good deal about this as about all other industrial matters, but at least their equipment of preconception was not so great a burden as to stand in the way; and progress seems remarkable, judged strictly by results—results which I have already explored, though briefly, in another place.[1]

[1] In a survey of the Russian agricultural situation in *Russia in the Second Decade*, cited above.

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VI

What has been said concerning control in Russian industry has not been intended to picture Russia as an economic Arcadia; rather to show that in a situation so difficult as to seem nearly hopeless, there has been exhibited great courage and resourcefulness; and to show that in spite of a necessity for window-dressing only less than the necessity which exists for it among us, there has gone on a steady process of experimental construction. That the construction should have taken this experimental turn, that policies should have been dominated by facts in a nation controlled by a revolutionary generation, is something in the nature of a miracle. Perhaps the time is not far off when we shall, in spite of doctrinaire differences, begin to ask ourselves whether there are not some lessons that even we dominant Americans can learn there.

The Russians' passion for American technique is a major influence in their economic adventure. Unless one appreciates the significance of this, he must fail to understand the whole experiment. They are not ignorant of our industrial power; they have a boundless admiration for it, in fact, precisely because it represents one of their own objectives. But they are sufficiently removed to be impartial observers; and they are stubbornly convinced that not all the arrangements which we have adopted are actually causes of our prosperity. When they speak of technique they mean what our engineers know, not what our business men know. They therefore, without hesitancy, shift the locus of control to the engineering sphere, where, they feel, it belongs, and reduce the functions of business men, so inflated with us, to the realm of the civil service. It is, I think, too early to say whether the experiment of running industry without the mechanism of business will be successful, but the likely advantages seem fairly obvious. It will pay us to watch them. For unless I am altogether mistaken, they are achieving that balance of industrial functions for which the orthodox economists have always longed and which they have waited so patiently to see developing from free competition and voluntary activity.

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May I refer to two American economists for a definition of commonly-held objectives? Mr. H. R. Seager expresses succinctly one of the oldest aims of economic science. It seems to me merely to state exactly what was implicit in Adam Smith's title *The Wealth of Nations*, and what gave impetus to the characteristic nineteenth-century preoccupation with the problems and the laws of the distribution of wealth: "The general interest will be furthered by acceptance of the maxim: the consumption of luxuries should be indulged in only after all are provided with necessaries."[1] It is no exaggeration to say that this is a very commonly accepted maxim among economists. But the differences of opinion as to the achievement have been serious. These differences are not new; but the method of the Russians is one, at least, which has never been seriously tried before. I personally hope that apologists for American usage will treat it fairly. It will be very easy in the years coming as it has been in the years just past, to trade unfairly on our start, to justify all our methods by our obvious success, to assume perfection from a degree of prosperity.

I put forward the confession with great trepidition that all the time I was in Russia, I kept recalling a telling phrase of Mr. T. N. Carver: "a balanced industrial system". Let me repeat his definition: "The most revolutionary idea ever injected into economic discussion is that of a balanced economic system. A balanced economic system is one in which all factors of production are combined in such proportions as will yield the most satisfactory results; and yield them *automatically*."[2]

Not even in my own mind while I was in Russia did I think of Mr. Carver as an exponent of Bolshevist economics, but I thought a good deal of his phrase as descriptive of actual Russian operations. I realize now that what was missing in the statement was the last italicized word—*automatically*. Balance in Russia is not conceived to be attainable except by prodigious effort and rigorous discipline. Economists of classical

[1] *Principles of Economics*, p. 80.

[2] *The Present Economic Revolution in the United States*, p. 233. The last word is italicized by me.

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persuasion expect it to eventuate automatically through the operation of natural laws; business men, perhaps with tongue in cheek, if one can attribute to them such sophistication, agree. I think the difference between Russians and Americans concerning concrete objectives is hardly worth mentioning. The Russians want a balanced economic system which will achieve the Marxian result: "From each according to his ability, to each according to his needs." They hope to get it through outright and open-eyed socialized control, concentrated in expert hands. Americans want necessities for all before luxuries for any; but they expect to get them through the voluntary functioning of a business system largely uncontrolled except by the laws of economics. If it is doubted that this result is hoped for in this way among us, may I quote again from Mr. Carver: "To use more technical language there can be no true economic balance unless the marginal productivity of labor is approximately the same in each and every occupation. When the marginal productivity is the same in different occupations, the equilibrium wage in the different occupations will be approximately the same. There is thus an equilibrium of demand and supply, but the forces determining that equilibrium are such as to give approximately equal incomes to every class of workers, not even excepting managerial and professional workers."[1] This seems a sufficiently clear statement of both objectives and methods.

I shall not argue further the respective merits of these expectations, nor attempt further to assess the probability of attaining results by them. The comparison of loci of control there and here does however, reveal differences of interest to an economist. In Russia I found control to reside—or at least I thought so—in the economic agencies for coordination, rather highly centralized, and commanding the support, in surprising measure, of the industrial rank and file. Being American, I was led to contrast it with our own focus in the business office, and to ask tentatively whether, since they admired our achieve-

[1] *The Present Economic Revolution in the United States*, p. 241; *cf.* also many passages in *Essays in Social Justice*.

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ment, the Russians were justified in rejecting a major feature of the system which undeniably produced it, and whether, though we do not admire it, we might not learn some lessons from Soviet organization. I have a tentative conclusion for myself; I could wish sufficient dispassionate study from other economists to know if I am right or wrong. I incline to the belief that the humanly achieved industrial balance in Russia is more likely to attain the objective of "necessities for all before luxuries for any" than is our own competitive system. Perhaps their forms of control may also produce, in some ultimate future, more luxuries for all, than ours have been able to do. We cannot afford to neglect the chance that this may be so because we shiver at the horrific sound of the words which contain the formulae of their orthodoxy; any more than they can afford to neglect the services of our technique because it has grown up under competition.

The widespread objection amongst Americans to ideas which have a trace of Russian origin, or which seem to bear the odor of Russian endorsement, doubtless has numerous causes. It is not difficult to see that this objecting attitude would easily gather to itself the whole of the theoretical dissent to Marxism among our economists; nor is it difficult to understand that our business interests would nearly unanimously reject a system which, if it were adopted here, would so severely restrict their sphere of operations and so reduce their importance and their emoluments. On the whole, one would expect an industrialized America, prosperous, in a comparative sense, very nearly from top to bottom, to reject unanimously the encroachments of communist or even socialist institutions. But here again we touch the difficulty which was spoken of in the opening paragraphs. Our approach to going Russia is characteristically through a literary interpretation of events which identifies all Russian experimental arrangements with an idealized and unreal system of economic and political organization.

Perhaps it is equally mistaken to produce references to similar literary objectives for economic life which are set down by the American economists who have been quoted. Perhaps Americans are not serious about the relief of poverty and the

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reduction of wasteful consumption; perhaps a balanced economic system is only a phrase intended as propaganda for competitive institutions. I discovered that the Russians felt this way about it when I suggested these as possible aims in American life. They asked, pertinently, how it was that American economists could seriously entertain these objectives and fail to see that the most likely means for their attainment existed rather in their institutions for control than in our arrangements for the preservation of competition. Why is it, I was asked, that American economists do not come to study our experiment instead of spending their energies in beating the dead horse of communism? The only possible answer I could make was that some of us were doing that very thing and pass over as lightly as I could the obvious fact that those of us who were doing it were neither numerous nor influential.

The upshot of all these considerations and paradoxes was, for me, considerable searching of conscience. One of my colleagues in our recent Russian adventure confessed to me that he sometimes wakened in the night and wondered, hours on end, whether the actual objectives of the Russians were not identical with our own real aims. For, as he said, the modes of operation of our sugar manufacturers are so like those of the Russians that only the last step toward coordination remains to be taken here, and a somewhat longer step toward efficiency needs to be taken there, to bring them into nearly identical social relationships. And is this not true of the steel and copper, leather and rubber industries? And how shall we settle our irrepressible agricultural problem except by some such series of devices as the Soviets use? I also have wondered about these things during some of the hours when perhaps I should have been asleep. But the only conclusion which seems to have been reached is that the Russians and ourselves have much to learn from one another, in order for both to achieve a set of very nearly common objectives. I regret profoundly that the present confusion of doctrine with realities should be allowed to keep us apart.

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THE ISSUE OF JUDICIAL REVIEW IN GERMANY

THE war has brought about the adoption of a considerable number of new republican constitutions in Europe. The imposing ascendancy of the United States suggested a careful examination of American political institutions, among them judicial review. As a result the discussion *pro* and *contra* judicial review has occupied the constitutional conventions of many states.[1] But most striking is the development in Germany. Although the German Constitution, like the American, contains no express provision regarding the power of the courts to examine the constitutionality of national statutes which have been enacted by the National Assembly (Reichstag) in formally correct procedure,[2] judicial review has gone far toward realization. That the ultimate establishment

[1] For example, Austria (art. 89, § 1, and 139, 140; *cf.* also the law regulating the Constitutional Court, Verfassungsgerichtshof) and Czechoslovakia (arts. 1-3, 54 and 102). However, art. 89, § 1 of the Austrian Constitution provides: "The courts shall not have power to examine into the validity of laws duly proclaimed". I cannot therefore agree with Mr. Malbone W. Graham, Jr., who writes: "Finally, the doctrine of judicial supremacy is raised to a higher degree in the Austrian Constitution than in any other . . . . to an impartial and high-minded judiciary the ultimate authority could well be relegated. It is in this respect that Vienna actually borrowed heavily from the Federalist . . . . it remains for the Austrian judiciary to consolidate, legally as did Marshall in America, the tenuous structure of authority which war, revolution and exhaustion have bequeathed to the struggling democracy of Austria."—*New Governments of Central Europe,* p. 180 *et seq.* The procedure before the Austrian constitutional court by which federal law can be declared unconstitutional seems to provide only for litigation by the federal and state governments (*cf.* Bundesgesetz, 13 Juli 1921, *Bundesgesetzblatt,* p. 1245, and Adamovich, *Die Prüfung der Gesetze und Verordnungen durch den österreichischen Verfassungsgerichtshof,* 1924). The same procedure already exists in Germany. Under articles 15 and 19 of the German Constitution controversies of this kind are decided by the Court of State (*cf.* infra, p. 189, n. 1).

[2] That the courts have the right of examining whether a statute has been promulgated properly, i. e. without technical error, is recognized by all commentators. *Cf.* instead of many, Anschütz, *Die Verfassung des Deutschen Reichs vom 11 August 1919. Ein Kommentar für Wissenschaft und Praxis* (1926), p. 216; hereinafter cited as Anschütz, *Reichsverfassung.*

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of the power of German courts to interpret the Constitution would be of European importance and an event of the first order in the evolution of constitutional government will be obvious to students of American constitutional history and politics.

The power of the courts to inquire into the constitutionality of acts of the national legislature is only one part of the question of judicial review. I propose to limit myself to this fundamentally most challenging aspect of the whole problem and I shall therefore exclude a discussion of judicial review as applied to state law[1] and to executive ordinances and decrees. Both are positively provided for in the existing law.[2]

On the other hand, I do wish to emphasize at the outset that our problem concerns the power of *all* courts to inquire into the validity of national statutes. Where nothing further is provided than one special court charged with the duty of advising the legislature regarding the constitutionality of laws and endowed with the power of deciding upon request by a lower

[1] This jurisdiction is centered in the Court of State (Staatsgerichtshof). *Cf.* primarily articles 108 and 19 and the law regulating the Court of State of July 9, 1921. This is one of the few instances where I should like to submit for consideration a change in the nomenclature as established by the translation of Monroe and Holcombe. The functions of the court suggest the name Court of State. Its organization and procedure are complex. For the cases here considered it is composed partly of judges of the national judicial court and partly of the national administrative court; its procedure is a modified civil procedure. Its functions belong to the Federal Council under the Constitution of the Empire. For the whole matter see Lammers, *Das Gesetz über den Staatsgerichtshof.*

[2] Cf. Anschütz, *Reichsverfassung,* pp. 216 *et seq.* and 280. An analysis of court review of state law will be found in "Judicial Review of Legislative Acts in Germany", by F. F. Blachly and Miriam E. Oatman, *Political Science Review,* vol. XXI, p. 113 *et seq.,* which also contains a statement of the facts here under discussion. However, I cannot grant that "the German Commonwealth is a federation of states each operating under its own constitution and laws . . ." I do not know of a single authority who at present maintains this viewpoint. Certainly German jurists are at odds about whether the German Commonwealth is a decentralized, unitary state or still a federal state (Bundesstaat). Though the latter idea prevails, René Brunet was right in selecting the phrase, "Toward the Unitary State" as the title for the second chapter of his *The New German Constitution.* For this whole problem, *cf.* Heinrich Triepel, *Streitigkeiten zwischen Reich und Ländern* (1923). Another point of disagreement is noted below, *cf. infra,* p. 193, note 1.

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court whether a law is constitutional or not, it cannot be said that judicial review is established, as will be apparent to any one who will take the trouble to visualize the resulting intricacy of procedure.[1]

Article 76 of the German Constitution provides that "the Constitution may be amended by process of legislation". But it stipulates that a bill of the National Assembly amending the Constitution can be passed only if two-thirds of the legal membership are present and at least two-thirds of those present consent to it. This leaves undecided the question as to who shall determine whether a bill is a constitutional amendment or not.

An amendment to the original draft of the Constitution had been introduced in the drafting committee of the constitutional convention at Weimar, proposing to prohibit judicial review. This prohibition was to take the form of an additional paragraph to be appended to the article establishing the Court of State.[2] In opposing this suggestion, Hugo Preuss insisted that judicial review would prevail if it were not expressly forbidden. Wilhelm Kahl questioned the desirability of giving this power to the courts because "it would place them above the law instead of subjecting them to it." Kahl also objected to the courts' determining the distribution of power, the very argument put forward in the eighty-first paper of the *Federalist* by Hamilton when advocating judicial review. Cohn, on the other hand, called these arguments theoretical and advanced the opinion that the problem ought to be considered as one of practical politics: how to educate the people to become citizens and members of a "*Rechtsstaat*". He wished to see all citizens participate in the evolution of their fundamental charter. As no conclusion could be reached, the proposed paragraph was rejected by a vote of 11 to 10 and the whole matter was left open, as Preuss had suggested. Careful consideration of the various arguments advanced would seem to indicate that

[1] *Cf. supra,* p. 188, note 1.

[2] *Verhandlungen des Verfassungsausschusses, Stenographische Berichte,* vol. 336, p. 483 *et seq.* This proposal was advanced by Dr. Ablass.

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there existed no very clear idea as to just what was to be understood by judicial review. There is little doubt that the epochal significance of the question was realized by only a few in the committee.[1] This is in marked contrast to the situation in the American Constitutional Convention.[2]

The national Constitution left the question of the general reviewing power by the courts to later constitutional evolution, but the states of Prussia[3] and Bavaria[4] proceeded to adopt judicial review within their jurisdiction. It will be recalled that the old Prussian Constitution in article 106 expressly denied judicial review of both laws and ordinances. This act, following the Royal Propositions of 1850, was a part of the reactionary program then carried into effect. It received comparatively little attention and, as was pointed out by Gneist later, the people seemed to be immensely concerned with securing "bills of rights", but they seemed to care little about securing sufficient legal guarantee for their being carried into practice.[5] The admission of judicial review in the new Prussian Constitution is therefore quite important.[6]

[1] Similarly Heinrich Triepel in his article "Der Weg der Gesetzgebung nach der neuen Reichsverfassung", *Archiv des Öffentlichen Rechts,* vol. XXXIX, p. 534, deplores that "the negotiations in the constitutional committee (Verfassungsausschuss) by no means equalled the immense bearing of this matter . . . ." It is interesting that the advocacy of judicial review in that committee did not follow party lines at all. Ablass, who introduced the amendment prohibiting judicial review, was a Democrat; but so was Hugo Preuss, who opposed him violently. Kahl, of the Conservative group, supported Ablass; but Düringer, of even more pronounced reactionary leanings, sustained the opinion of Preuss. The Socialists were similarly divided, Sinzheimer joining Ablass and Kahl, while Cohn and Katzenstein stood by Preuss. That this situation has since changed profoundly will be noted later.

[2] *Cf.* Edward S. Corwin, *The Doctrine of Judicial Review* and the authorities quoted there.

[3] Art. 61, § 1.

[4] Art. 72.

[5] Rudolf Gneist, *Der Rechtsstaat und die Verwaltungsgerichte in Deutschland,* p. 237.

[6] Anschütz, *Reichsverfassung,* p. 218, is of the opinion that these provisions can affect only state laws. He would, therefore, hold that article 72 of the Bavarian Constitution which gives the courts power to declare national laws un-

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What has happened since these constitutions have been adopted? As might be anticipated, the silence of the national Constitution immediately called forth arguments for and against the introduction of judicial review by the leading commentators on the new charter.

Gerhard Anschütz has quite generally been taken as the chief living exponent of that group of jurists who are opposed to the doctrine of judicial review.[1] Two of his arguments are of major interest to political scientists. Commenting on article 76, above cited, Anschütz calls attention to the first sentence: The Constitution may be changed by process of legislation. From this he draws the conclusion that "the Constitution and the statute are manifestations of the will of the very same power, the legislative power".[2] Consequently, he says, a constitution-making power (*pouvoir constituant*) distinct from the ordinary

constitutional is contrary to the Constitution and therefore null and void. Of another opinion, however, is Nawiasky in his *Bayerisches Verfassungsrecht*, p. 374 *et seq.* It is curious that this view, which springs from a combination of the prevailing interpretation of articles 5 and 103 of the national Constitution, was not urged as supporting the majority of the National Council when it held that the new law settling the matter of judicial review (*cf. infra*, p. 198, note 1) constituted a constitutional amendment, the more so because of the inclusion of ordinances in this law.

[1] *Cf.* his *Reichsverfassung*, art. 70 and elsewhere. Others who are more or less similarly inclined are Arndt, Giese, Jellinek, Schack, Thoma and Wittmayer, also Hatschek and others. A careful list of authorities for both sides of the question is to be found in Morstein Marx, *Variationen über die richterliche Zuständigkeit zur Prüfung der Rechtmässigkeit des Gesetzes* (1927), p. 63 *et seq.* This study is an excellent comprehensive analysis of the entire problem. The German literature dealing with judicial review has swollen tremendously since the adoption of the constitution, Marx listing more than seventy-five monographs on our problem. Some of the more important contributions will be quoted in the footnotes. How intense the controversy has become may be gleaned from the fact that Baron Marschall von Bieberstein, professor of constitutional law at the University of Freiburg, delivered a speech entirely in iambics on the topic, "Vom Kampf des Rechtes gegen die Gesetze" ("On the Struggle of Law against Statutes").

[2] Anschütz, *loc. cit.*, p. 229. Of the same opinion, Jellinek, *Jahrbuch für das Öffentliche Recht*, vol. IX, p. 108. Anschütz concedes that "the opposite opinion would possibly seem true if not the ordinary organs of legislation, but other and . . . superior political organs were competent for amending the constitution".

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legislative power is not recognized by the German Constitution.[1] Anschütz emphasizes the difference between the German and American Constitutions in this respect. In Germany then, the Constitution would not be above the legislature, but rather at its disposal. The fact that qualifying majorities are required does not alter this conclusion, according to Anschütz, as the same was true under the former Constitution. It is the political organ entrusted with amending the Constitution which ought to determine what measures do require a constitutional amendment; in other words, the organ entrusted with amending the Constitution should have the function of interpreting the Constitution. Having arrived at the conclusion that the Constitution is not a legal rule superior to the national statute, he decided that there is no room for judicial review. This general position is fortified by excluding from the controversy the instances in which judicial review has always been recognized, namely, decrees and ordinances conflicting with statutes, state statutes conflicting with national statutes, and statutes not regularly proclaimed due to technical error.[2]

From this argumentation it becomes evident that those in favor of judicial review must concentrate upon this central question: is the Constitution a superior legal rule and a fundamental law or not? A considerable number of the men who framed and adopted the Constitution had that idea in mind. We noticed it above. When the Bill of Rights and Duties was debated, Friedrich Naumann pointed to the necessity of laying down such a fundamental charter as a symbol of the united will for law and order, since the end of the monarchy had eliminated one of the greatest symbols of national union. That there was good ground for this anticipation was strikingly

[1] It is curious that F. F. Blachly and Miriam Oatman (*loc. cit.*) should adopt this point of view without reservation. The fact that constitutional amendments can be originated by a popular initiative seems to me to involve in serious doubt the simple assertion that there exists no distinct *pouvoir constituant,* even though the process of its application may be difficult. That it is not impossible is shown by the referendum for the expropriation of German princes. A good account of this event is given by Harold F. Gosnell, in *Amer. Pol. Sci. Review,* vol. XXI, p. 119 *et seq.*

[2] *Cf. supra,* p. 188, note 2.

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shown in a recent meeting of the National Association of German Industrialists, when Dr. Silverberg, the chairman of the Soft Coal Syndicate, stated emphatically that "all serious and conscientious men have accepted the new state and the Constitution: the Constitution which in all its provisions, whether we like them or not, commands our respect".[1]

Heinrich Triepel, probably the most outstanding scholar in favor of judicial review,[2] agrees that the publication of a statute will always justify the presumption that it has been passed in the forms prescribed by the Constitution. He thereby eliminates Laband's argument that it would be absurd for the courts to try to check up parliamentary records. But he rightly asserts that such publication in no way or manner establishes beyond doubt that the contents of the law do not conflict with the contents of the Constitution. The consequences of denying judicial review, according to Triepel, would be monstrous, because in a parliamentary republic judicial review is, if not the only, at any rate the most important, safeguard of individual liberty against the parliament's otherwise unrestrained lust for power. The comparison with the parliamentary system of England does not hold true because the English government rests upon traditional safeguards which are absent from a system with a written constitution. If the German National Assembly may decide at will whether its statutes conform to the Constitution or not, the Bill of Rights and Duties is in large part robbed of all protection. In fact, what does the proclamation of these fundamental rights mean, if not that there

[1] See the report of the meeting (*Veröffentlichungen des Reichsverbandes der Deutschen Industrie,* vol. XXXII, p. 56). This national association comprises a large part of all German industrialists and manufacturers. Its meetings are becoming very important. The meeting here referred to took place at Dresden on September 3 and 4, 1926. Three thousand industrialists were present.

[2] For his view, consult particularly *Streitigkeiten zwischen Reich und Ländern* and *Archiv für Öffentliches Recht,* vol. XXXIX, p. 533. Among those who are for judicial review we find also: Bühler, Fleiner, Fleischmann, Hubrich, Kaufmann, Nawiasky, Poetzsch, Schmitt, Simons (President of the Supreme Judicial Court), Stammler and Stier-Somlo. For a more extensive list see Morstein Marx, *loc. cit.*

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should be a limit to ordinary legislation?[1] It will be noted that this reasoning is an almost literal repetition of the arguments used at the time of the making of the American Constitution. In both cases we find a profound distrust of the legislature.

The legal superiority of the national Constitution is thus deduced and the conclusion reached that judicial review is necessary to keep this superiority intact. Various other reasons are advanced, but the crucial point is the relation of Constitution and statute.[2] As we have seen, the two opposing arguments are based upon the Constitution as it is. But do they meet each other? Hardly! Anschütz rests his case upon the interpretation of a specific article of the Constitution, whereas Triepel suggests a solution by considering the Constitution as a whole and the "spirit" of the charter. Which shall prevail?

We naturally turn to the courts for an answer. They have gradually begun to apply the doctrine as Preuss had anticipated. The courts have extended step by step the scope of their decisions[3] by a process analogous to the development in the

[1] This aspect assumed considerable importance in connection with the private property claims of the former princes and the referendum held thereon. It was argued that confiscation would be unconstitutional, because a law is a general rule and may not be aimed at individuals, and because under art. 153 (which provides that "the right of private property is guaranteed by the Constitution; its nature and limits are defined by law") a law obviously is required. *Cf.* Carl Schmitt, *Unabhängigkeit der Richter, Gleichheit vor dem Gesetz und Gewährleistung des Privateigentums nach der Weimarer Verfassung* (1926), p. 17.

[2] This whole question, whether the German Constitution is and can be a political force like the American Constitution, is fundamental and deserves separate and careful analysis. At the present time there is grave danger of its losing all real significance. Fritz Poetzsch, in his "Vom Staatsleben unter der Weimarer Verfassung" (*Jahrbuch des Öffentlichen Rechts,* vol. XIII, pp. 227-236), shows that quite a number of laws violating the Constitution have already been passed. *Cf.* also Carl Bilfinger's thoughtful article on "Verfassungsumgehung", in *Archiv des Öffentlichen Rechts,* N.F., vol. xi, p. 163 *et seq.*

[3] Some of the more important earlier decisions are: RGST 56, 177; RGZ 102, 164; KG November 26, 1920; KG November 1, 1921; Reichsfinanzhof 5, 333 and 7, 97. The remark may be allowed here that German decisions are quoted by giving the initials of the court first (RG for Reichsgericht; KG for Kammergericht etc.) and the date of the decision next. To the initials of the Reichs-

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United States. These groping efforts of the courts have now culminated in the decision of the National Judicial Court (Reichsgericht) of November 4, 1925.[1] It is noteworthy that the question of constitutionality should have arisen in connection with a law involving property rights. In answer to the question, "Are the courts entitled to review the constitutionality of a national statute?", the court declared:

> The application of the provisions of the Revaluation Law presupposes that there are no valid considerations against the constitutionality of this statute which has been passed by a majority of the National Assembly. In view of the attacks made in public against the legal validity of the Revaluation Law it would seem imperative to undertake to review the constitutionality of this statute officially.
>
> In this respect the question arises at once whether and to what extent the courts are at all entitled and obliged to review the legal validity of a national statute which has been regularly proclaimed. Following the decision of the first criminal chamber of December 15, 1921,[2] we shall proceed from the fact that in the first instance any provisions of national law statutory as well as common[3]

gericht are added Z which indicates Civil Cases, or SI which means Criminal Cases (Strafsachen). The decisions of the RG are quoted by volume and page as above, or by date. For an account of the German courts see James W. Garner, POLITICAL SCIENCE QUARTERLY, vol. XVII, p. 490 *et seq.* This structure has remained fundamentally the same as under the old Constitution (*cf.* art. 103), although procedure and organization have been changed somewhat.

[1] RGZ 111, 320. The case involved a claim under the Revaluation Law and the facts were as follows: The plaintiff had given to the defendant a loan of 50,000 marks at 5%. This loan was collaterally secured by mortgage. The loan was due according to agreement on April 1, 1914, but only 5,000 marks were repaid. The mortgaged real estate was sold under foreclosure in June, 1914. The mortgage of the plaintiff was lost except 2110.87 marks. In 1923 the plaintiff in virtue of a bond in which the defendant had subjected himself to immediate distraint, seized a claim which was owed the defendant and collected the nominal value of the remainder of the loan from the third party. Soon he filed another claim in order to obtain a readjustment for monetary depreciation. He claimed in the suit . . . payment of 600 marks plus 5% interest since January, 1914.

[2] RGST 56, 177.

[3] Common Law is here meant in the more limited and less rigid sense of customary law (Gewohnheitsrecht).

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which directly or indirectly apply to the question must rule. Furthermore, where such provisions are lacking, it will be necessary to go back to the general principles which may be derived from the nature of the legislative or judicial power and from the activities emanating from these powers as well as from their interrelationship. The national Constitution has adopted, in article 102, the principle established in paragraph 1 GVG[1] that the judges are independent and subject only to the law. This last provision does not preclude that the validity of a national law or of part of its provisions may be denied by the judge to the extent to which they conflict with other rules of law which are of a higher authority. This is the case if a statute contradicts a legal rule set forth in the national Constitution and if in passing it the requirements provided for in article 76 for a constitutional amendment have not been met. The reason is that the provisions of the national Constitution can be annulled only by a law, regularly proclaimed, changing the Constitution. Such provisions therefore remain obligatory for the judge even against differing provisions of a subsequent national statute which has been passed and promulgated without observing the requirements of article 76 of the Constitution and they compel the judge to let the contrary provisions of the subsequent statute remain without application. Since the national Constitution itself contains no provisions according to which the decision on the constitutionality of national statutes has been taken away from the courts, and has been transferred to another determinate authority, the right and the obligation of the judge to examine the constitutionality of statutes must be recognized.

The court then proceeds to examine at length the constitutionality of the statute here in question. In the course of this examination it elaborately interprets some of the most significant articles in the "Bill of Rights and Duties of Germans."[2] But it reaches the conclusion that the statute is constitutional.

Since this decision, the courts have followed precedent. This practice has brought out another fundamental problem of

[1] *Gerichtsverfassungsgesetz:* a law regulating the constitution and procedure of the courts, dated January 27, 1877, and repeatedly amended. *Cf.* Garner, *loc. cit.*, for an English account.

[2] Arts. 109, 134, 152, 153.

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the existing system of German law: the problem of the unity of the legal system. With the practice of judicial review established, this unity is at present endangered by the co-existence of a number of courts of last instance, foremost among them the Court of State, the National Judicial Court, the National Finance Court and (when established) the National Administrative Court.

Under these circumstances it might be expected that the decision cited above would cause a good deal of agitation among jurists as well as among politicians and administrators. Both advocates and adversaries of judicial review began agitating for appropriate legislation. Two attempts at legislation were made at once.[1] Both represent a compromise between

[1] One of these bills is entitled *Entwurf eines Gesetzes über die Prüfung der Verfassungsmässigkeit von Vorschriften des Reichsrechts.* The other, *Gesetz zur Wahrung der Rechtseinheit.* For a discussion of both bills consult Richard Grau, "Zum Gesetzenwurf über die Prüfung der Verfassungsmässigkeit von Reichsgesetzen und Reichsverordnungen", *Archiv des Öffentlichen Rechts,* N. F., vol. XI, p. 287 *et seq.*, and Külz, "Die Prüfung der Verfassungsmässigkeit von Vorschriften des Reichsrechts", *Deutsche Juristenzeitung,* 1926, p. 837 *et seq.* As Grau rightly points out (*loc. cit.*, p. 309), it would be undesirable to have both laws, as the result would be the establishment of two constitutional courts. It appears that the 34th Deutsche Juristentag has by recommendation succeeded in welding the two proposals together. The papers before this meeting were read by Gerhard Anschütz and Mr. Mende. For a report of this session, see *Deutsche Juristenzeitung,* 1926, p. 1447 *et seq.*, and Poetzsch, in the same journal, 1926, p. 1265 *et seq.* The first bill has now passed the National Council, amended in accordance with the suggestions of the Juristentag, and was introduced into the National Assembly on December 11, 1926, by the Minister of the Interior, Külz (*Reichstag III, 1924-26, Drucksache Nr. 2855*).

Under this bill, laws and ordinances whose legal force is in doubt or controversial shall be reviewed by the Court of State regarding their constitutionality upon motion by more than one-third of the members of the National Assembly or of the National Council or by the National Government (paragraph 1). Furthermore, if a court (and this term includes not only courts of law but administrative and special courts as well) is of the opinion that a certain law or ordinance is incompatible with the Constitution it can stop the proceeding and refer the matter to the next higher court (omitting certain qualifying details). If the higher court shares its opinion, the matter goes before the Court of State. If the court in question is one of final jurisdiction, the matter goes directly to the Court of State (paragraph 6). In all cases the Court of State decides by resolution (Beschluss), not judgment (Urteil). Its decisions have the force of law and are to be published in the *Reichsgesetzblatt* (paragraph 5). This pro-

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the two opposing groups. Judicial review is provided for but limited in its application by narrow procedure before the Court of State.[1] In one sense, however, the proposal goes beyond the American system of judicial review: paragraph 5 provides that the National Government shall publish the decision in the *Reichsgesetzblatt* because "the decision has the force of law." The intention obviously is to make the precedent as binding as possible. No wonder the National Council declared that the proposed paragraph involved an amendment to the Constitution.

In the meantime a fairly clear opposition has arisen with regard to judicial review, the parties of the Right favoring it and those of the Left fighting it.[3] Since both these groups control

vision is subject to an interesting clause. If the decision declares only parts of a law or ordinance invalid, the court is required to state whether and to what extent it considers the remaining parts of the law or ordinance as invalidated thereby (paragraph 4).

For a full understanding of the significance of this bill it is necessary to keep in mind the difference between the American system of appeal and the German "Rechtsentscheidsverfahren", under which an abstract question of law is taken from the case to a higher court on appeal in order to bring it to a "Vorentscheidung" by that higher court. This method is less flexible, as it forces the court to go beyond the case in hand and to commit itself regarding general principles of law.

[1] This arrangement is somewhat similar to the Council of Revision proposed in the Constitutional Convention by Mr. Randolph and later again by Mr. Wilson. *Cf.* Farrand, *The Records of the Federal Convention of 1887*, vol. I, pp. 94, 97, 109, and vol. II, p. 73 *et seq.* When both these proposals had been defeated, Madison and Wilson later tried once more to put through a provision that laws should be submitted to the Supreme Court and the Executive separately for approval before becoming effective; but this plan was also defeated. Had it gone through, it would have introduced into the United States the principles of the "Rechtsentscheidungsverfahren" discussed above, *cf. supra*, p. 199, note 1.

[2] *Cf. supra*, p. 191, note 6, and p. 198, note 1.

[3] It is one of the recurrent paradoxes of political life that those who are supposedly quite opposed to the new Constitution are the ones most eager for its protection by judicial review, while those forming organizations for the protection of the new state are inclined to leave its fundamental charter unprotected. An explanation of this curious fact will be found perhaps in the traditional attitude of suspicion on the part of progressive and radical groups toward the conservativism of the bench. For a very thoughtful statement of this point of view, see Gustav Radbruch, *Die Justiz* (1925). This suspicion corresponds to the suspicion of conservatives toward parliaments which we noted above.

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more than one-third of the votes in the National Assembly, the fate of any constitutional amendment is uncertain, to say the least. Under these circumstances it may be that the courts will get the better of the bargain.

But after all, the times of an unlimited faith in the ruling force of reason are pretty well over. We come to realize more and more that the political opinions of man are determined less by rational considerations than by arbitrary decisions. The "interpretation" of a charter with so many vague and general provisions as the present German Constitution is a difficult matter. But certainly, if the courts are to be entrusted with the task, the Germans will have to be satisfied that the principles set forth in the German Constitution afford an acceptable basis for future political development for some time to come. Will the bulk of the German people be inclined to uphold this charter with the same almost religious veneration with which the American people look upon the Constitution of the United States?[1]

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[1] For some of these considerations see Richard Thoma, "Zur Ideologie des Parlamentarismus und der Diktatur", *Archiv für Sozialwissenschaft und Sozialpolitik*, 1924-25, vol. LIII, p. 212, and "Das richterliche Prüfungsrecht", *Archiv für öffentliches Recht*, vol. XLIII, p. 267, a most important contribution.

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THE RUSSIAN MOBILIZATION OF 1914[1]

MICHAEL T. FLORINSKY'S article on "The Russian Mobilization of 1914" is, so far as I know, the first attempt made in the United States to deal scientifically with the extraordinarily difficult problem of the Russian mobilization. Nevertheless, after perusing Mr. Florinsky's article, in which too much importance is attached to military aspects of the crisis of 1914, the unprejudiced reader will be left with the general impression that Sazonov in all his actions during the fateful July days was prompted solely by a desire for peace, and that the Russian military leaders were moved wholly by strategic and technical considerations when they induced the Tsar to order certain mobilization measures, on the ground that these measures were absolutely necessary for the defense of Russia. In my opinion the facts of the case were somewhat different.

In addition to the published documents on which Mr. Florinsky based his work, I have at my disposal a number of hitherto unpublished letters on the subject from General Sukhomlinov, the former Russian Minister of War; and I have had frequent opportunity of discussing the Russian mobilization very thoroughly with General Sukhomlinov as well as with General Dobrorolsky, former chief of the Russian mobilization department. Moreover, the memoirs of the former Russian Minister of Foreign Affairs, Sazonov, are now available; but these memoirs are to be used with the utmost caution.[2]

In his introduction, Mr. Florinsky expresses his disagreement with Count Montgelas' view that "in reality Russian mobilization had begun on July 26 with the period of preparation for

[1] This article by the editor of *Die Kriegsschuldfrage* presents a German view of the topic discussed by Mr. Florinsky in the POLITICAL SCIENCE QUARTERLY for June, 1927, vol. XLII, no. 2, pp. 203-227.—ED.

[2] S. D. Sazonov, *Six Difficult Years*. A criticism of these memoirs is to be found in *Russia and the World War*, by Friedrich Stieve and Count Max Montgelas. Both books are published by the Verlag für Kulturpolitik (Berlin, 1927).

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war"[1] and with Professor Barnes' remark to a similar effect, "a secret partial mobilization had been in operation since the 26th in both France and Russia."[2]

I cannot unreservedly agree with Mr. Florinsky on this point. Regarded from a purely formal standpoint, the Russian "pre-mobilization period" is not to be placed on exactly the same footing as the actual mobilization, but in reality the Russian so-called "pre-mobilization period" signifies the beginning of the Russian mobilization.

Major Gunther Frantz, who is regarded in Germany as the foremost specialist on this subject, maintains in his authoritative work on Russia's entry into the World War, that the "war-preparation period" beginning on July 26 was *de facto* a secret introduction to mobilization, a masked pre-mobilization. Frantz bases his view on the argument that the "war-preparation period" included an order providing for the purchase of horses and vehicles, as well as for the calling up of reservists, although later on he remarks that it has hitherto been impossible definitely to ascertain "whether reservists were called up in numbers in excess of those permitted by law and provided for in the Budget and whether they were kept with the colors for a period longer than that permitted by law, i. e., whether they were kept on until the outbreak of the war."[3]

What far-reaching importance the Russian "war-preparation period" actually possessed is further shown by the following order issued by General Danilov, the Russian Quartermaster General.[4]

> Telegram.
> Warsaw. To the Chief of Staff of the District.
> From St. Petersburg, 15/28 July, 11.58 a. m. Handed in and decoded 16/29 July, 12.30 p. m.
> It is intended, during the pre-mobilization period, should this

[1] Count Max Montgelas, *The Case for the Central Powers* (New York, 1925), footnote to p. 161.

[2] H. E. Barnes, *The Genesis of the World War* (New York, 1926), p. 328, footnote 3.

[3] Gunther Frantz, *Russlands Eintritt in den Weltkrieg*, p. 62.

[4] *Ibid.*, p. 225.

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prove possible, to transfer the 5th Cavalry Division and the 2nd and 3rd Independent Cavalry Brigades into the rayon of the district. Please send word as to desired detraining points and in doing so, bear in mind that for political reasons it is not desirable to advance the 5th Cavalry Division to the German frontier before the proclamation of mobilization.

1746. Danilov.

From this document it becomes clear that the Kazan 5th Cavalry Division, which was intended for the Second Army on the Narev and was therefore to be employed against Germany, as well as the two independent cavalry brigades from the Military District of Moscow, which were also to be employed against Germany, were to be transferred to the Military District of Warsaw during the pre-mobilization period. Frantz very correctly remarks that this order shows that the authorities were already trying to begin dislocation of troops for a war with Germany while the diplomats were operating only with a partial mobilization against Austria.[1] In other words this proves, as Frantz later shows, that during the pre-mobilization period a measure was undertaken which went beyond mere mobilization and amounted in reality to an order for tactical concentration. One must therefore be careful not to regard the Russian war-preparation period as merely a harmless order issued by the Russian General Staff.

Mr. Florinsky cites for purposes of comparison the Russian and Austrian mobilization measures of 1909 and 1912. In this connection he quotes a passage from one of Sazonov's letters in which the latter represents the Russian mobilization measures of 1912 on the Galician frontier as a counter-move undertaken against the Austrian partial mobilization against Serbia and the preparatory mobilization measures in Galicia. This is contradicted by the Austrian view, according to which Russia had since October, 1912, been threatening the Dual Monarchy with trial mobilizations by increasing the number of men and horses in the units and by assembling troops in Poland. The increase in the number of men in the units stationed in

[1] *Ibid.*, p. 63.

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Galicia, as ordered by Austria-Hungary on November 21, 1912, was therefore only a measure of precaution taken against the Russian measures. At the beginning of December, 1912, as I have been assured by an expert, the military situation in Austria-Hungary was as follows: The XVth and XVIth Corps (Bosnia-Herzegovina and Dalmatia) were at their full war strength. The IVth Corps (Budapest), the VIIth Corps (Temesvar) and the XVIIIth Corps (Agram) had been strengthened, as had also a part of the Navy. Against Russia the three Galician Corps were raised from 170 to 200 men per company, 150 horsemen per squadron and four guns of horse artillery and ammunition wagons per battery.

The first mobilization measures in Russia were ordered in the Council of Ministers on July 24. According to Mr. Florinsky, General Sukhomlinov and General Yanushkevich took part in this Council on July 24, and he goes on to say in so many words: "They did not oppose, so far as we know, the decision for partial mobilization."[1] Sukhomlinov, subsequent to the publication of his memoirs, made the following interesting statements in a supplementary article[2] on the two sittings of the Council of Ministers on the 24th and 25th of July. I here quote his words as they stand:

> For me personally it is of great interest to hear what Baron Schilling has to say about the 24th and 25th of July. Up to the present, I had been firmly convinced that the introduction of the "war preparation period"—and perhaps the partial mobilization as well—was resolved upon on July 25 at the Crown Council at Krasnoe Selo. When I came across statements according to which a Conference of Ministers was said to have taken place on July 24, I thought that it was merely a question of confusing the dates. From the minutes, however, it becomes clear that on July 24 all the measures which on July 25 were confirmed by the Crown Council had been already distinctly stated in principle.
>
> On July 24 the Minister of Foreign Affairs is said to have

[1] Florinsky, *loc. cit.*, p. 212.

[2] *Die Kriegsschuldfrage*, 1924, pp. 226-227.

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called me upon the telephone to inform me of the impending Council of Ministers. I know nothing about any such summons. This misunderstanding I can only explain by supposing that it was not a question of a regular Council of Ministers, but a secret sitting at which, perhaps, several Ministers and General Yanushkevich were present. It is extremely probable that the conference took place at the palace of the Grand Duke Nikolai Nikolaivich in Krasnoe Selo, whither the Czar had also gone on July 24. The session of July 24 is referred to by Baron Schilling as a "Council of Ministers", although he does not mention who presided, or who was present. He gives, however, with great exactness the measures that were decided on at this meeting. The meeting of July 25 he describes as a Conference.

On July 25 I drove to Krasnoe Selo to the Council of Ministers. On the same day there took place, too, in consideration of the acute political situation, the promotion of the cadets at the Military Schools to the rank of officer, that is to say, a few weeks earlier than was usually the case.

In my memoirs I have described the Crown Council. I can now understand the outward calm of the Czar, the passive demeanor of the Grand Duke on that day. Everything had been already decided and settled on the previous day. For July 26 the beginning of the "pre-mobilization" period was ordered for Army and Navy. It had been determined to hold back the partial mobilization.

From this it is clear that Sukhomlinov, if the memoirs of the Russian Minister of War are correct, did not take part in the Council of Ministers on July 24 and that he was indeed in those days somewhat ignored. As the minutes of this "meeting of the Council of Ministers" are now in the Hoover War Library,[1] it could be easily ascertained by comparing the signatures whether Sukhomlinov was present at the Council of Ministers or not. The question is of importance in so far as certain deductions might be drawn therefrom as to whether attempts were made, even at that early date, by Nicolaivich and Yanu-

[1] The minutes were published by Robert C. Binkley, "New Light on Russia's War Guilt", *Current History*, January, 1926, p. 533.

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shkevich to gain influence over the Tsar by excluding Sukhomlinov. That Yanushkevich in the days of the crisis was in close touch with the Tsar, and had apparently even contrived to push Sazonov a little aside, is to be concluded from Szapary's report, a passage in which runs as follows:

> I indicated to the Minister that it would be a good thing if his Imperial master were informed of the true situation, especially as it was urgently necessary, if one wanted to maintain peace, to put an end to the attempts of the military to outbid each other [*lizitieren*] which now seemed to threaten as a result of the false reports that were in circulation. M. Sazonov remarked in his characteristic manner that he could send this message to the Chief of the General Staff, as the latter saw His Majesty every day, whereas he himself, he said, at a time like the present, merely went to make his regular official report and only learned through His Majesty what the generals had reported to the latter.[1]

Let us now turn to the technical difficulties and strategic disadvantages of a Russian partial mobilization. Mr. Florinsky here comes to the following conclusion:

> For technical and strategic reasons partial mobilization presented a serious danger with regard to the defense of the Russian Empire; these considerations therefore necessitated, in the view of Russia's military leaders, the transition from partial to general mobilization; Sazonov and the Emperor yielded to this view after a struggle which lasted for days.[2]

The Russian Minister of War, M. Sukhomlinov, in a talk with me in April, 1922, expressed the opinion that it would have been quite possible to carry out a partial mobilization. The younger officers, however, among whom he included General Dobrorolsky, had always protested against this course.[3] I myself cannot agree with Sukhomlinov's view, but agree rather

[1] *Austrian Red Book* (1919), Part III, no. 19.

[2] Florinsky, *loc. cit.*, p. 227.

[3] From notes written after a conversation with Sukhomlinov.—A. v. W.

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with Danilov and Dobrorolsky in this matter. According to their idea, to have instituted a general mobilization while the partial mobilization was going on would have caused great difficulty in the matter of railway transport and imposed strategic disadvantages upon the Russian forces, whose strategic concentration was taking place on the basis of a partial mobilization, as the Russian right wing would have been exposed to the danger of being outflanked after a general mobilization of the Austrian army. In spite of this fact, we shall do well not to attach too much importance to the reasons given by the General Staff.

We must, however, protest against the view that the danger arising from the Russian partial mobilization, as regarded from a military standpoint, was to be counterbalanced by passing over from partial to general mobilization. Without doubt a danger which is not to be taken too lightly from a military standpoint was thus avoided, but thereby the much greater danger of a general war was converted into a certainty. For it was clear to Russian diplomats and to the responsible military authorities that a general mobilization on the part of Russia could not fail to bring about the mobilization of Germany and France. The German Government had repeatedly expressed the opinion, just in those critical days, that mobilization on the part of Germany would mean war. In the negotiations between Sazonov and the Tsar on July 30 it was therefore not sufficient for Sazonov merely to cite the technical and strategical difficulties of partial mobilization when trying to persuade the Czar to change his opinion.

The real error, however, lies not in the changing of the Russian partial mobilization into general mobilization but in giving the order for partial mobilization. Mr. Florinsky says: "The declaration of partial mobilization was the result of the declaration of war on Serbia by Austria."[1] This is doubtless correct and it is confirmed by documentary evidence[2] that Austria's declaration of war against Serbia gave the final im-

[1] Florinsky, *loc. cit.*, p. 227.

[2] *How the War Began*, p. 44. Telegram 1538.

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pulse which precipitated the Russian order for partial mobilization. We must, however, ask ourselves how far, judging from a military and diplomatic standpoint, Austria's war against Serbia made a Russian partial mobilization necessary and what viewpoints played a part in causing Sazonov to take a step that was to have such serious consequences.

The question whether the Russian military measures were justified from a military standpoint may be examined under two headings. In the first place we must ascertain whether by the mobilization of eight Austrian army corps the safety of Russia was in any way menaced. The attempt has been made to justify the assertion that this was the case by stating that Austria, when on July 25 she ordered partial mobilization with July 28 as the first day of mobilization, had really made preparations for mobilization in Galicia as well, that is to say, on the Russian front. According to a detailed study made by Major-General Ferdinand Demus-Morau, Commander of the Ist Army Corps in Galicia, no military measures of any kind were taken in Galicia "which could have been interpreted as aggressive measures against Russia."[1] Special value is to be attached to the statements made by General Morau as they are based on diary notes which have been embodied in the text of the article in their original form. As for the strength of the Austrian forces mobilized against Serbia, General Danilov himself admits that at least six army corps were necessary to deal with Serbia. As one of the mobilized army corps was needed as a safeguard against Italy, it cannot be deduced from the fact that Austria had mobilized eight army corps that this mobilization was directed in part against Russia. For the rest, Austria during a struggle with Serbia was not to be looked upon, either alone or together with Germany, as a specially dangerous foe for Russia. The fact "that Austria-Hungary was tied with strong parts of her army to the Balkans and was therefore not strong enough to march against Russia,"[2] was, indeed, a constant source of anxiety to the German General Staff.

[1] *Die Kriegsschuldfrage*, 1926, p. 549 *et seq.*

[2] Theobald von Schaefer: "Did General von Moltke Want a Preventive War?" *Die Kriegsschuldfrage*, 1927, p. 550.

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That this affair was touched upon during the July crisis is obvious from Szapary's report to Count Berchtold[1] in which Szapary states that he had mentioned to Sazonov that he had heard that "people in Russia were anxious because Austria had mobilized eight army corps for the partial mobilization[2] against Serbia. M. Sazonov confirmed to me the fact that it was not he, who knew nothing about the matter, who had expressed these misgivings, but Tsar Nicholas, in commenting upon certain information given him by the Chief of the General Staff. I tried to explain to Sazonov that even a man who had no more knowledge than a child in military matters could easily convince himself that our southern corps really did not menace Russia."

The questions whether as a consequence of the Austro-Hungarian partial mobilization there was any danger that the little Serbian Army could be speedily annihilated and whether armed Russian intervention was therefore a matter of most urgent necessity, must be answered with an emphatic negative. Russia was certainly not ignorant of the fact that the Austrian Army would need at least a fortnight before it could advance into Serbia.[3] The immediate danger of a sudden assault on Belgrade—for which, as has now been established, no military preparations had been made—had been forestalled for the time being by the Serbians, who dynamited the bridge over the Save River on the night of July 28–29. It must be remembered, too, that not even the Belgrade garrison was exposed to the danger of being suddenly wiped out, since, on the advice of Russia, it had withdrawn from the town on July 25 and marched into the interior of the country. It must also be borne in mind that all operations undertaken by Austria against Serbia were hampered by the difficult and mountainous nature of the country, and could be carried out only at a very slow rate on account of the lack of good roads. All these things were of course well known to the Russian General Staff.

[1] *Austrian Red Book* (1919), Part III, no. 19.

[2] The words "partial mobilization" are not to be found in the telegram and have probably been inserted.

[3] *Cf. German Documents,* no. 245, and *British Documents,* nos. 165 and 166.

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The next question to be considered is whether armed intervention on the part of Russia was necessary as early as July 28 on diplomatic grounds. This question, too, must be answered in the negative, even if one is prepared to admit that Russia was bound to act as the protector of the Slavs. In her diplomatic action, from the very outset, Russia had two aims in view: first, to convert the Austro-Serbian conflict into a European affair and, second, to claim the right to advance against Austria in the event of an invasion of Serbia by the Austrian army. Thus Russia would force France and England, as allied Powers, to come to her support. While the negotiations between the cabinets of the Great Powers were in progress, Russia informed the Powers that she had ordered a partial mobilization of the four military districts of Kiev, Odessa, Moscow and Kazan, on the ground that Austria had declared war on Serbia. By so doing, Russia was the first Great Power to quit the path of diplomatic possibilities and to bring in its General Staff as a factor in the further development of the situation. As we have already pointed out, it was to be foreseen that the Russian partial mobilization must inevitably bring Austrian general mobilization in its wake, and Austrian general mobilization in its turn brought Russia, in consequence of the strategic and technical shortcomings of the Russian partial mobilization, into a certain amount of danger which, in the view of the Russian General Staff, could only be counteracted by a general mobilization. We thus see that one event depended upon the other.

Although we cannot deny that Austria's declaration of war against Serbia was the immediate occasion of the ukase ordering the Russian partial mobilization, we must nevertheless note that another factor also played a part in inducing the Russians to resolve upon partial mobilization. As we learn from the fourth volume of M. Poincaré's memoirs, recently issued, the French Prime Minister and Minister of Foreign Affairs, M. René Viviani, on July 27 sent the following telegram to St. Petersburg from on board the ironclad *France*:[1]

[1] Poincaré, *L'Union sacrée*, p. 335.

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À bord France, 27 juillet 1914.

M. le Président de la République, ayant jugé, comme moi, que la situation ne lui permettait pas de demeurer plus longtemps éloigné de Paris, abandonne ses arrêts à Copenhague et à Christiania. Nous rentrons à toute vitesse et serons en France après-demain matin mercredi. Veuillez dire à M. Sazonov que la France, appréciant comme la Russie la haute importance qui s'attache pour les deux pays à affirmer leur parfaite entente au regard des autres Puissances et à ne négliger aucun effort en vue de la solution du conflit, prête seconder entièrement, dans l'Intérêt de la paix générale, l'action du gouvernement impérial. Signé René Viviani.

People who have had no experience in interpreting diplomatic documents may perhaps see in this telegram nothing beyond an attempt on the part of the French Government to influence Russia in favor of peace. In reality it is nothing short of a firm promise on the part of France to give full support to Russia in her attitude towards Austria and Germany. Baron Schilling made the following entry in the diary of the Russian Ministry of Foreign Affairs: "15/28 July. On the instructions of his Government, the French Ambassador acquainted the Foreign Minister with the complete readiness of France to fulfill her obligations as an ally in case of necessity."[1] From this entry one may at least deduce that the express promise of perfect readiness on the part of France to fulfill her obligations as an ally made it much easier for Russia to resolve upon the ukase ordering partial mobilization.

That the order for partial mobilization, which was issued on July 28 and was to have been published in the usual form "on the morning of July 29,"[2] was held back on that day because the military leaders hoped, rightly as it turned out, that they would be able to force the Czar to sign the order for general mobilization, is only another argument which goes to prove that the order for partial mobilization might have been postponed.

We thus come to the conclusion that Russian partial mobiliza-

[1] *How the War Began*, p. 43.

[2] Sazonov, *op. cit.*, p. 232.

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tion was ordered on July 28 without any cogent reason and that it took effect on the evening of July 29. The military arguments and diplomatic considerations cited by the Russian Government will hardly hold good, especially when it is remembered that by the ukase ordering partial mobilization a situation was created which for the time being diminished the security of the Russian Empire against an attack on the part of Germany, and thus brought nearer the necessity for converting partial into general mobilization.

As Mr. Florinsky pointed out, there are many conflicting statements in the accounts of what happened on July 29. In his own account of the events that took place on that date, Florinsky relies on the chronology given in Schilling's diary. Florinsky regards Schilling's data as being contradictory to the account given by General Dobrorolsky, who says that the order for the general mobilization had been handed to him on the morning of July 29. Florinsky expresses astonishment that it should have taken "some ten or twelve hours to have a document of this importance signed by three ministers."[1] Doubts on this point can be dispelled by appealing to new evidence at our disposal.

General Dobrorolsky, in a later article, has stated that the time when the order for general mobilization was handed to him was 12 a. m.[2] on the day in question. In the same article he gives a detailed account of his visits to the three ministers to obtain their signatures. His account runs as follows:[3]

> Yanushkevich handed me the page and instructed me to go to the three ministers and get their signatures. He reckoned on the telegram being in the hands of the persons for whom it was intended before midnight on July 29/30. The text of the telegram was as follows: "His Majesty has given orders that the Army and Navy are to be put into a state of war and for this purpose the reserves are to be called up and horses are to be provided in accordance with the mobilization plan of 1910. July 30 is to be regarded as the first day of mobilization."

[1] Florinsky, *loc. cit.*, p. 216.

[2] *Die Kriegsschuldfrage*, 1924, p. 85.

[3] *Ibid.*, pp. 86 and 87.

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The visits to the ministers took a long time. I first went to see M. Sukhomlinov, the Minister of War, at his residence on the Moika. That was between two and three in the afternoon. The Minister received me in his study alone. He seemed rather tired and, contrary to his usual custom, had little to say. Yanushkevich had rung him up to tell him I was coming. He quickly signed the telegram and I took my leave. The whole visit lasted only ten minutes. From there I went to the Admiralty to see Admiral Gregorovich, the Minister of Marine. On reaching his office I was told by his adjutant that the Minister was not in St. Petersburg. He was, if I remember rightly, in Kronstadt and was not expected back before about 7 p. m. that evening.

I thereupon hurried off to Yelagin Island to see the Minister of the Interior, M. Maklakov. I have already reported the conversation I had with him in my first article.

As I had only about two hours left in which to go to the Minister of Marine and get his signature, I returned to the General Staff and reported to General Yanushkevich that the telegram had not yet been signed owing to the absence of M. Gregorovich. Yanushkevich thereupon ordered me to take the telegram to the station myself as soon as I had got Gregorovich's signature and not to call upon him again before doing so. The head of the telegraph office had been directed by an officer of the Mobilization Department to have everything in readiness to send off a telegram of "special importance" that evening.

It now remains for us to check the chronology given in Schilling's diary. According to this source, Count Pourtalès called on the Minister of Foreign Affairs at 3 p. m. and read to Sazonov the telegram from the Imperial Chancellor[1] in which it was stated that if Russia continued her military preparations, even though she should not proceed to mobilize, Germany would find herself compelled to mobilize, in which case she would immediately proceed to take the offensive. If the time given in this passage were correct, Mr. Florinsky would be

[1] *German Documents*, no. 342.

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right in thinking that the order for the general mobilization took place at about 5 p. m.[1]

It can, however, be shown that the time at which this visit of Count Pourtalès is said to have taken place is incorrect. According to data derived from the documents of the St. Petersburg Embassy, telegram D.342 arrived at St. Petersburg at 4:35 p. m.[2] Count Pourtalès' visit could therefore not have taken place before 6 p. m. at the earliest, if one reckons a good hour for the decoding and for the time taken on the way. In his document entitled *At the Parting of the Ways between War and Peace* (p. 45), Count Pourtalès says that he went "again to the Minister between 6 and 7 p. m. with the German Chancellor's telegram." If we assume that Count Pourtalès' conversation with Sazonov terminated at 7 p. m. and if we allow, as Mr. Florinsky does, another two hours for what happened afterward, the order for the general mobilization will have been handed in at about 9 p. m. This exactly coincides with the time given by General Dobrorolsky in his article.

This chronology also exactly corresponds with Sir George Buchanan's memoirs, which, it will be remembered, were published before Schilling's diary came out. Buchanan's account runs as follows:[3]

> Between one and two o'clock on the afternoon of July 29 Count Pourtalès had an interview with M. Sazonov in which he reminded the latter that in the event of such a partial mobilization, Germany's treaty of alliance with Austria would automatically cause German mobilization. About seven o'clock the same evening Count Pourtalès again called at the Ministry for Foreign Affairs and communicated to M. Sazonov a telegram from the German Chancellor stating that any further development of Russia's military preparations would compel Germany to take counter-measures and that this would mean war.
>
> As such language was almost tantamount to an ultimatum

[1] Florinsky, *loc. cit.*, p. 216.

[2] *German Documents concerning the Outbreak of the War* (new edition, 1927), footnote 2.

[3] Sir George Buchanan, *My Mission to Russia*, p. 199 *et seq.*

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and as the Russian War Office had in the meanwhile received information of the extensive military preparations that Germany was secretly making, as well as of the Austrian general mobilization, the whole situation had to be reconsidered. In the course of the evening the Emperor, yielding to the pressure brought to bear on him by his military advisers, unwillingly consented to order a general mobilization.

The contradiction between the chronology of the diary and the accounts given by Count Pourtalès and Buchanan is probably to be explained by the fact that in Schilling's diary the visit of Count Pourtalès in the afternoon and the visit in the evening are represented as a single visit and that the time at which it took place is assumed to be three o'clock.

In the obscure occurrences of July 29, it still remains to be explained why General Dobrorolsky went to get the signatures of the three ministers for the general mobilization order as early as the afternoon of July 29, instead of waiting until the evening. We might explain this as being due to the fact that General Yanushkevich, who, for reasons already pointed out, was keenly interested in substituting the general mobilization for the partial mobilization which had been approved by the Tsar, wanted to take all the necessary measures so that after he had obtained the hoped-for permission for general mobilization, there might be no loss of time through such technical details as getting the signatures of the ministers. For this purpose, he undertook on his own responsibility to settle all the preliminary formalities for the general mobilization in good time, so that there might be no delay once the Tsar's military advisers had succeeded in persuading him to consent to a general mobilization. This was what happened at 7 p. m. as far as we can judge from the accounts given in Schilling's diary and in Buchanan's memoirs.

We may now proceed to examine the reasons that caused the Tsar at the decisive conference on the evening of July 29 to order general mobilization. These reasons are set forth most clearly in the passage already quoted from Buchanan's memoirs. They were, in effect: (1) the above-mentioned tele-

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gram from the German Chancellor that Count Pourtalès had just communicated; (2) the news that had reached the Russian War Office concerning extensive secret military preparations on the part of Germany; and (3) Austria's general mobilization.

The first reason need not be considered in closer detail in this article. It is a matter of common knowledge that the telegram sent by the German Chancellor and the form in which Count Pourtalès delivered it, giving Sazonov the impression that it was equivalent to an ultimatum, can be traced back to a misunderstanding that was subsequently cleared up by the exchange of telegrams between the Tsar and Emperor Wilhelm.

The second reason, the news of secret military preparations, was based upon an error, as has been proved beyond a doubt by German investigation of the matter. There were no such preparations in Germany. That false reports concerning military matters were everywhere in circulation at that particular time goes without saying. From General Danilov's memoirs we recall, for instance, the report made by the Russian military attaché at Athens, Colonel Gudin Yevkovich, to the Russian Ambassador at Berlin, as early as July 30, on the basis of observations made during a casual trip through Germany, that he had seen troop movements which he could explain only as a part of "mobilization already in progress and even the first steps toward the concentration of troops."[1] The impression was a false one, for the German mobilization was not ordered until 5 p. m. on August 1.

As for the third reason, the announcement concerning the Austrian general mobilization, it is not out of the question that this piece of false news was based upon Shebeko's telegram of July 28.[2] The genuineness of this telegram has always been regarded as extremely dubious. Count Montgelas assumes that the telegram was antedated. On this point Count Hoyos informed the writer—after the latter had addressed inquiries to a certain Baron Uexkuell who held an official position under

[1] Danilov, *Rossya v Mirovoi Voine* (1924), p. 26.

[2] *Russian Orange Book* (1914), no. 47.

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Shebeko in the Russian Embassy at Vienna at the outbreak of the war—that it is to be assumed "that a mistake was made and that Shebeko was only referring to the mobilization against Serbia."

That even in the days of the July crisis no particular importance was attached by the Russians to a clear statement with regard to the sequence of the mobilizations is plain from a conversation Szapary had with Sazonov on July 31. Sazonov maintained that the Austrians had already mobilized and when Szapary emphatically protested against this statement, Sazonov broke off the conversation with the words, "Let us drop this chronology!"[1]

We may assume, however, that the Russian Government was accurately informed about the Austrian measures of mobilization and that the military leaders, in order the more easily to get their policy accepted by the Tsar, represented the mobilization of eight army corps against Serbia as a general Austro-Hungarian mobilization directed against Russia as well as Serbia. How little trust was placed in these military leaders in respect of their reports is shown by the conversation already referred to,[2] between Szapary and Sazonov, in the course of which Szapary remarked that if Russia wanted peace, a speedy end would have to be put to "the attempts of the military to outbid each other [*lizitieren*] which now seemed to threaten as a result of the false reports that were in circulation."[3]

In his report to Count Berchtold, dated July 30, Szapary expresses this apprehension in the following terms:

> It is by no means out of the question that military circles are busy trying to reduce this complicated political problem to some simpler formula in the hope that, as soon as a certain degree of readiness for war has been reached, they may precipitate events as far as possible by influencing the mood of the Tsar by means of false reports.[4]

[1] *Austrian Red Book* (1919), Part III, no. 97.

[2] *Cf. supra*, p. 206.

[3] *Austrian Red Book* (1919), Part III, no. 19.

[4] *Ibid.*, Part III, no. 46.

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Summing up, we may say that of the three reasons given by Buchanan in his memoirs in favor of the theory that the Russian general mobilization was ordered on the evening of July 29, not a single one can be accepted.

In Mr. Florinsky's account of July 29 there is another error —not very important, it is true—to be rectified. The Russian Ambassador at Vienna, M. Shebeko, said in his telegram (telegram 105) of July 28 to Sazonov, that from his conversation with Berchtold he had received the impression "that the Austro-Hungarian Government had at the moment resolved to deal Serbia a blow in order to raise her own prestige in the Balkans and in the Dual Monarchy itself, and that the Government was counting on the support of Germany and the desire for peace prevailing among the other Powers to bring about a localization of the conflict."[1]

On the basis of this telegram, Sazonov on the following day sent to the Russian Ambassadors at Paris and London a dispatch (telegram 1548) in which he said: "When I spoke to the Russian Ambassador I had not yet received telegram 105 from Shebeko, a telegram which makes it clear that the Vienna Cabinet declines an exchange of views with us. In view of this fact, we leave it entirely to England to take the initiative in any steps she may regard as advisable."[2] Mr. Florinsky quotes the last sentence of this telegram and asserts that Sazonov had telegraphed this to London "later in the same day, on the receipt of a telegram from Shebeko announcing the general mobilization of Austria." This is not correct, telegram 1548, as we have seen, having been despatched "on the receipt of telegram 105."[3]

As evidence of a special effort on the part of Russia to maintain peace, Mr. Florinsky cites the well-known telegram of the Tsar in which he suggested to the Emperor Wilhelm that "the Austro-Serbian problem should be submitted to the Conference

[1] *Russian Orange Book, 1914* (published by the Central Office for the Investigation of the Causes of the War, Berlin, 1925), current no. 76 (telegram 105).

[2] *Op. cit.*, current no. 86 (telegram no. 1548).

[3] *Cf.* Florinsky, *loc. cit.*, p. 219.

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at the Hague "in order to prevent bloodshed."[1] This proposal of the Tsar was in reality only of academic importance, and this for the following reasons. Serbia's reply to Austria contained in its concluding paragraph a proposal that the question at issue should be submitted to the International Tribunal at the Hague. This proposal Austria had not accepted. Between Austria and Serbia war had become a reality. Nor had the proposal itself anywhere received mention in the exchange of ideas between the Powers. From this fact one may deduce the conclusion that the European cabinets had attached no practical importance whatsoever to the proposal, previous to the outbreak of war. Nor was the Hague Tribunal competent to decide such a dispute.[2] Light is thrown on Sazonov's attitude towards this proposal in the following paragraph.

The proposal to submit the dispute to the Hague Tribunal had been communicated to Sazonov by the Tsar as early as July 27 in a special letter the text of which we here quote:

> 14/27 July, 1914.
>
> I shall receive you tomorrow at 6 o'clock. An idea has occurred to me and, in order to lose no time, which is precious as gold, I will tell it to you: Why should we not try, after arriving at an understanding with France and England and then with Germany and Italy, to propose to Austria that she should submit her dispute with Serbia to investigation by the Hague Tribunal? Perhaps there is yet time, before events happen which cannot be undone. In order to gain time, try to take this step today, before you draw up your report. I have not yet relinquished all hope of peace.[3]

After receiving this clear commission from the Tsar, Sazonov did nothing. He neglected to ask either in France or in England whether these countries would respond to the Tsar's suggestion. This letter of July 27 is suppressed in Sazonov's

[1] *German Documents,* no. 366, text according to the new edition (1927).

[2] Walther Schücking, *Die Völkerrechtliche Lehre des Weltkrieges* (Leipzig, Veith and Company, 1918).

[3] *Russian Orange Book* (1914), no. 40.

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memoirs and was first published in the *Livre noir*.[1] In his memoirs Sazonov passes over in silence the fact that he did not carry out the Tsar's instructions.

When, two days later, on July 29, the Tsar once more seized the opportunity, in a telegram which he himself sent to the Emperor Wilhelm, to suggest the idea of laying the question before the Hague Tribunal,[2] it was, of course, too late. In Sazonov's memoirs we learn that he was not even informed of this telegram of the Tsar's; he heard of it only by chance in January, 1915.[3]

We now come to the final ukase of the afternoon of July 30, ordering the general Russian mobilization. Here, too, the reasons which led to this step, a step that was to have such serious consequences, claim our main interest. Florinsky quotes from Schilling's diary the reasons adduced by Sazonov to the Tsar, in order to convince him that war was inevitable: "Germany had decided to bring about a collision, as otherwise she would not have rejected all the pacificatory proposals that had been made and could easily have brought her ally to reason."[4] Florinsky then goes on to say that the passages quoted by him from Schilling's diary clearly show the conflict "between the desire for peace on the part of the Emperor and Sazonov on the one hand, and the apprehensions of the General Staff, on whom rested the responsibility for the safety of the country, on the other."[5] In another passage he says: "The catastrophe which hung over the Russian Army as the result of the decision of July 29 was now averted."[6]

In the first place, as has been already pointed out, by the ukase ordering the general mobilization the interests of the Russian Army were perhaps safeguarded, whilst on the other hand the catastrophe which hung over Europe was hereby con-

[1] *Livre noir*, vol. II, p. 283.

[2] *German Documents*, no. 366.

[3] Sazonov, *op. cit.*, p. 241.

[4] *How the War Began*, p. 65.

[5] Florinsky, *loc. cit.*, p. 221.

[6] *Ibid.*

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verted into certainty. Sazonov's assertion, quoted in Schilling's diary, to the effect that Germany had resolved "to bring about a collision" is by no means in keeping with the facts, for just at that time the German Government, and especially Emperor Wilhelm, was making desperate efforts to persuade Austria to give way to Russia's wishes. We would here merely remind the reader of the Kaiser's remark when the reply of the Serbian Government was laid before him: "A brilliant performance for a time limit of only forty-eight hours. This is more than one could have expected! A great moral victory for Vienna; but with it every reason for war drops away and Giesl ought to have remained quietly in Belgrade. On the strength of such an answer *I* should never have ordered mobilization. W."[1]

Immediately after reading through the Serbian Reply on the morning of July 28, the Kaiser addressed a letter to the Secretary of State for Foreign Affairs, Herr von Jagow, expressing his conviction that on the whole the wishes of the Dual Monarchy had been complied with and that every reason for war thus vanished. There then follows a proposal that Austria should occupy Belgrade as a guarantee, until the Serbian promises had been carried out. On this basis, the Kaiser said, he was ready to mediate for peace with Austria.[2]

It is furthermore quite clear from the instructions given by the German Chancellor on July 29 and 30 that Germany was absolutely opposed to allowing an armed conflict to arise between Austria and Russia, and that she went to the limits of diplomatic possibilities in her efforts to influence Vienna by sharp language. This is shown most clearly by the telegram which Bethmann Hollweg sent to the German Ambassador at Vienna, Herr von Tschirschky, on the night of July 29/30. The telegram contains the following passage:[3]

> We cannot expect Austria to negotiate with Serbia with whom she is at war. The refusal to enter into any exchange of opinion with St. Petersburg would, however, be a serious mis-

[1] *German Documents*, no. 271.

[2] *Ibid.*, no. 293.

[3] *Ibid.*, no. 396.

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take, as it would be a direct provocation of Russia and would invite her armed intervention, which Austria-Hungary is above all interested in preventing.

We are, it is true, ready to fulfil our treaty obligations, but must decline to allow ourselves wantonly to be drawn into a world conflagration by Vienna without having any regard paid to our counsel. Vienna appears also to disregard our advice in regard to the Italian question.

Please talk to Count Berchtold at once with all emphasis and great seriousness.

Today we are no longer dependent solely on Schilling's diary for the reasons by means of which Sazonov succeeded in wringing from the Tsar a resolve in favor of general mobilization. In his memoirs Sazonov goes into the events of July 30 in great detail, while describing those of July 29 with noticeable superficiality. On the latter date, at about 2 p. m., Sazonov was rung up by General Yanushkevich, the Chief of the General Staff, and was asked to come to him, as the General wanted to discuss with him the latest news that had reached the General Staff. General Sukhomlinov, he said, was with him. General Yanushkevich and General Sukhomlinov at this conference contrived to convince Sazonov that, "thanks to special information that had been placed at the disposal of the Chief of the General Staff, it was plain that the German mobilization was much further advanced than was generally supposed."[1] In his account of his conversation with the two generals Sazonov goes on to say:

I confined myself to asking whether a report on the matter in question had been made to the Tsar. The Generals replied that the Tsar was well aware of the true state of affairs, but that they had hitherto not succeeded in getting His Majesty to issue the ukase for the general mobilization, and that it had caused them enormous trouble to obtain the Tsar's consent to the mobilization of the four southern military districts against Austria-Hungary, even after Austria-Hungary's declaration of

[1] Sazonov, *loc. cit.*, p. 246.

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> war on Serbia and the bombardment of Belgrade, and although the Tsar had assured the Kaiser that the Russian mobilization was not necessarily a prelude to war.[1]

Sazonov himself admits that it was the generals who on July 29 decided the policy to be pursued. It is a remarkable fact and one that has not yet been explained that Sazonov in his account does not on July 29 let the generals say anything about the issue of the order for general mobilization.

Sazonov next describes how he got into telephone communication with the Tsar and how the Tsar then, after long hesitation, reluctantly agreed to receive him to hear his report. According to Sazonov's description of what happened, the report occupied an hour, from 3 to 4 p. m. Sazonov told the Tsar what the two Generals had said to him and added that the latest news he had received from Austria and Germany left no doubt whatever that in the two days during which he had not seen His Majesty the situation "had changed so much for the worse that there was no longer any hope of preserving peace." Sazonov then went on to discuss the question of general mobilization and told the Tsar that he shared the views of the Chief of the General Staff and of the Minister of War as to the danger of postponing general mobilization any longer,

> for, according to the news the generals had in their possession, the German mobilization, although not yet officially declared, had nevertheless already made considerable headway, thanks to the perfection of the German military organization which rendered it possible to carry out a considerable part of the work of mobilization by calling up individuals without attracting attention and to complete this work in the shortest possible space of time after the declaration of mobilization. This circumstance was of immense advantage to Germany, but could be made up for to some extent by us, if we adopted mobilization measures in good time.[2]

[1] Sazonov, *op. cit.*, pp. 246-247.

[2] *Ibid.*, p. 250.

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Sazonov then goes on to describe how the Tsar gave him the telegram in which the Kaiser said that his rôle of mediator would become impossible if Russia were to continue her mobilization against Austria-Hungary. In an excited tone the Tsar said to Sazonov:

> He [Emperor Wilhelm] demands an impossibility of me. He has forgotten or he will not admit that the Austrian mobilization began before the Russian, and now without saying a word about the Austrian mobilization he demands that we should cease mobilization. You know that I have twice withheld the ukase ordering mobilization and that I finally agreed to a partial mobilization. If I were now to agree to the German demands, we should find ourselves facing the mobilized Austrian army unarmed. That is madness.[1]

According to this statement, Sazonov on July 30 induced the Tsar to change the order for partial mobilization into one for general mobilization on the following grounds:

1. That Germany intended to let it come to a collision. (As a matter of fact Germany just at that time was making every effort to get Austria to give way.)

2. That the German mobilization was already so far advanced that any further postponement of Russia's general mobilization would entail a serious danger for the country. (As a matter of fact no mobilization measures of any kind had at that date been taken in Germany, for the "state of threatening danger of war" which corresponded more or less to the "pre-mobilization period" was not proclaimed until 1 p. m. on July 31.)

3. The Austrian general mobilization was represented as having already been ordered. (In reality the order for this general Austrian mobilization was not despatched till 11:30 a. m. on July 31.)

All three reasons adduced by Sazonov were wrong. Sazonov himself must have been responsible for the first reason, while General Yanushkevich and General Sukhomlinov must have been mainly responsible for the other two.

[1] Sazonov, *op. cit.*, p. 250.

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Without being able to prove it by means of documentary evidence, I am nevertheless convinced, on the basis of my conversations with General Sukhomlinov, that Yanushkevich's urgent demand that the ukase for the mobilization measures should be speeded up is to be traced to the influence brought to bear by the Grand Duke Nikolai Nikolaivich. Nikolai Nikolaivich had been chosen in advance as Commander-in-Chief of the Russian forces and General Yanushkevich was to be his Chief of Staff.

The significance, however, of the decision to proclaim the Russian general mobilization on July 30 can be rightly understood only if one has an adequate conception of the consequences of the Russian general mobilization for the safety of Germany.

The balance of power which had hitherto constituted the surest guarantee of the peace of Europe was poised on the delicate system of peace armaments and military alliances. This equilibrium of forces was sensibly disturbed when a great power like Russia mobilized all its forces on land and sea. One must bear in mind in this connection that the general mobilization was most intimately connected with the strategic concentration, and the latter, speaking in a broad sense, conditioned the chances of success in the first active operations, and hence in its consequences had an important bearing on the war itself.

The opinion, shared by the Tsar himself, that the Russian general mobilization could be counterbalanced by a German and Austrian mobilization is without much potency, seeing that a German mobilization would necessarily be followed immediately by a French mobilization. The British Ambassador at St. Petersburg judged the situation much more correctly than did the Tsar, and on July 25 reported to London that he had warned Sazonov that "if Russia mobilised, Germany would not remain content with mere mobilisation, or give Russia time to carry out hers, but would probably declare war at once."[1]

[1] *British Documents,* no. 125. That Grey nevertheless did not attempt to dissuade Russia fom taking mobilization measures is one of the responsibilities of the British Government for the outbreak of the war. When King George in the

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The struggle of the Central Powers, Germany and Austria, against the coalition consisting of Russia, Serbia, France, Belgium and England, demanded not only the swiftest mobilization and strategic concentration on the part of Germany, but also an assault at the earliest possible moment, in order to render more difficult the operative collaboration of her opponents, that is to say, to defend herself against the attacks of the widely separated hostile forces, one at a time. The Allies, on the other hand, were bound to try as far as possible first of all to complete their mobilization and their strategic concentration before going over to the attack. Germany's strategic situation forced her, therefore, to begin her aggressive operations before her opponents had had time to complete their mobilization. How anxious the Russian Government was to get a start over Germany in mobilizing their forces becomes clear from the following Russian protocol: [1]

Secret
Copy

Protocol

of a special conference concerning the preparatory military work in connection with the organization of the lines of communication on the south-west front, according to Plan A.

night of July 31–August 1 at last intervened and sent Buchanan a personal message for the Tsar (*ibid.*, no. 384), it was already too late. In the Tsar's reply, which Nicholas II composed with Buchanan's help, we find the same wrong reasons adduced for the ordering of the general mobilization as we have already referred to above. The Tsar's answer to King George runs as follows (*ibid.*, no. 490): "Austria's declaration of war on Servia forced me to order a partial mobilisation, though, in view of threatening situation, my military advisers strongly advised a general mobilisation owing to quickness with which Germany can mobilise in comparison with Russia. I was eventually compelled to take this course in consequence of complete Austrian mobilisation, of the bombardment of Belgrade, of concentration of Austrian troops in Galicia and of secret military preparations being made by Germany."

Unfortunately this very enlightening communication concerning Buchanan's audience with the Tsar is not given in full in the *British Documents.* It breaks off in the middle of a sentence and ends with the remark, "Remainder of telegram not received." Even if the telegram did not reach Sir Edward Grey in full in August, 1914, it ought in my opinion to be possible to give the remainder of the telegram according to the draft contained in the British documents at St. Petersburg.

[1] Gunther Frantz, *Russlands Eintritt in den Weltkrieg,* Supplement no. 82.

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8/21 November 1912.

. . . Starting from these considerations, the Commission deems it necessary to lay special stress on the necessity of:

1. not losing a minute in proclaiming our mobilization, in order that we may carry out this procedure more or less simultaneously with the enemy.

2. so choosing the moment for our declaration of war that our operations may be fully developed before Austria has finished her struggle with Serbia. . . .

It is absolutely necessary that the ukase ordering that the proclamation of mobilization be also the proclamation of war shall be altered. Such a regulation may lead to grave misunderstandings in our relations with those Powers with which, for political reasons, war or the opening of hostilities is not necessarily intended, at least not at the very outset.

On the other hand, it may prove advantageous to proceed with the strategic concentration without beginning hostilities, in order that the enemy may not be irrevocably deprived of hope that war can still be avoided. Our measures can be masked by clever diplomatic negotiations, in order if possible to allay the apprehensions of the other side.

If such measures render it possible to gain a few days, they must certainly be adopted.

In consideration of the above statements it seems advisable:

(1) to alter the order that the proclamation of mobilization should be synonymous with the proclamation of war;

(2) to give the necessary directions with regard to the opening of hostilities against one or other of the Great Powers that may be taking part in the war, even previous to the proclamation of the mobilization or shortly before this procedure;

(3) to bring the opening of actual hostilities into keeping with our own degree of readiness. In doing this, we must endeavor to gain the time necessary. Hostilities should therefore not be opened unless urgently necessary. A deviation from this program may take place only in the case of open aggressive action on the part of the enemy.

[Signed] Lieutenant-General Alexiev
Lieutenant-General Svietlov
General Dragomirov
Major-General Miller

[Countersigned] Colonel Stogov

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The opinion of the Tsar that Germany ought to have received the news of the Russian general mobilization quite calmly would have been justifiable only if the neutrality of France and England had been guaranteed, a guarantee that France and England, as is well known, had declined to give; or if the military forces of Germany and Austria had sufficed effectively to oppose the mobile concentrated forces of Russia, Serbia and France. This, however, was not the case.

Apart from the immense numerical superiority of the forces of Russia and France, as compared with those of the Central Powers, the unfavorable frontiers of Germany in the east must also be borne in mind. Our eastern frontier was practically unprotected. A thoroughly well equipped and well led Russian army which could have advanced upon Germany simultaneously with a mobile French army would doubtless have reached Berlin without experiencing a Tannenberg. That the German people could not have withstood such an onslaught and that an occupation of Berlin by the Russians would have led to immediate collapse, will today be doubted by no one. From these rough outlines, it will perhaps become clear that Germany could never have successfully warded off her opponents had she confined herself to waging defensive war.

The Russian general mobilization was therefore to be regarded as equivalent to a hostile act which could only be met by Germany's taking the offensive. The responsibility, however, for the Russian general mobilization rests in the main with the military advisers of the Tsar who exploited the isolation and incapacity of the unfortunate monarch in order to gain their ends. Sazonov on July 30 allowed himself to be used as their tool.

ALFRED VON WEGERER

BERLIN, GERMANY

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CAPITAL EMBARGOES

ONE aspect of the new diplomacy of the United States which marks a clear contrast with the older American policy is the use of the embargo upon certain foreign loans. This power, which is an attribute of the foreign office of a great creditor nation, is at times an effective weapon in the hands of government officials. The nation which would keep abreast of the rapidly moving tide of material development must have capital, and hence free access to the money markets of the world is highly desirable to those countries that are unable to supply their needs from internal sources. Industrial development, currency stabilization, military and naval requirements and the refunding of maturing loans are among the chief reasons which impel finance ministers and entrepreneurs to approach the bankers of creditor nations for financial assistance. Inability to obtain the desired funds may sometimes result in a serious crisis or a substantial retardation of national development. The officials of creditor nations are therefore able to use the much desired privilege of admission to their money markets as a valuable *quid pro quo* in the diplomatic game.

There are two methods by which the ban on foreign loans may be accomplished: (1) by formal legal action such as is authorized by the laws of France, Belgium and Italy, and (2) by extralegal influence, which is the means used in Great Britain, Japan and the United States.

In France the Minister of Finance must give his permission before a foreign loan is admitted to quotation on the Paris Bourse. The Finance Minister always consults with the Foreign Office[1] and thus the Minister for Foreign Affairs has the opportunity to inject into the matter considerations of French foreign policy which may be entirely divorced from the question of the soundness of the loan. Prior to the war when the savings of the French people were placed in large amounts in

[1] Viallate, *Economic Imperialism*, p. 58.

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the bonds of foreign governments, the French Government frequently took the occasion to barter for diplomatic advantages in exchange for the permission to list securities. Threats of withdrawing the listing privilege were made in 1909 when the Danish Government contemplated raising the import duty on French wines.[1] The awarding of an artillery contract by the Argentine Government to the German Krupps in 1908 brought about a complaint by the Schneider firm in France that an unfair preference had been given to their German rivals. Accordingly, in 1909 the French Government forbade the listing on the Paris Bourse of the Argentine internal loan of 1895 and also of the then pending five-per-cent loan which was to be placed in Paris.[2] Likewise a Bulgarian loan was refused by the French Government for the reason that none of the proceeds was to be spent in orders for materials in France.[3] In 1914 the French Government proposed to withdraw the listing privilege from Turkish bonds unless certain contracts were awarded to France.[4]

The second or extralegal method, which consists in merely advising the bankers against making certain foreign loans, differs from the first in form more than in effect. The recommendation of the government against a loan appears to be as certain to put a stop to the public flotation of the issue as would a legal disqualification. Few bankers would care to purchase the bonds of a foreign country and attempt to sell them to domestic investors in the face of the disapproval of their own government. The investing public, learning of the official opposition, would become apprehensive and the bankers would run a heavy risk of being left with a large block of unsold securities on their hands. In 1912 the London firm of C. Birch Crisp and Company, which was outside of the British banking group in the consortium organized for loans to China,

[1] Harold Lasswell, "Political Policies and the International Investment Market", *Journal of Political Economy,* vol. XXXI, p. 389.

[2] *Ibid.;* also U. S. Federal Trade Commission, *Cooperation in American Export Trade,* vol. L, p. 76.

[3] U. S. Federal Trade Commission, *op. cit.*

[4] *Ibid.,* p. 77.

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sought to handle an issue of £10,000,000 for the Chinese Republic. The British Foreign Office was opposed to the loan.[1] The result was that only 40 per cent of the first installment of £5,000,000 offered in London could be disposed of and the second installment was never issued.[2] So far as is known no American banker has shown any inclination to proceed with loans which have been disapproved by the Department of State.

Development of the American Policy

In the United States the practice of exercising a veto over undesirable foreign loans, and of using the threat of a veto in bargaining for an advantage, made its appearance soon after American capital began to seek investment abroad. Up to 1922 there had been a number of instances in which the Department of State had been instrumental in preventing loans, and there were other cases where a loan veto had been threatened. During the Chinese Revolution of 1911, Yuan Shih-kai, premier under the Manchu régime, which was in desperate financial straits, requested a foreign loan to tide over the crisis. The revolutionary government, on the other hand, urgently asked the Department of State to restrain American financiers from assisting the Manchus.[3] During this uncertain struggle Secretary Knox took a neutral position between the two factions and disapproved of any loan to Yuan Shih-kai as inconsistent with the spirit of neutrality. He also opposed loans which would conflict with the broad plans of the governments which were backing up the consortium. In response to a request from the British Government for a statement of the policy of the United States, the Department informed the British Ambassador:

> In view of the possible effect upon the lives, property, and trade of its nationals in the disaffected districts of any departure

[1] *Foreign Relations,* 1912, p. 152.

[2] Willoughby, *Foreign Rights and Interests in China* (2nd ed.), vol. II, pp. 991-2.

[3] *Foreign Relations,* 1912, p. 106.

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> from the policy hitherto consistently pursued by common consent among the powers, the American Government believes that any loans to China at the present juncture would be inopportune, except upon the conditions already laid down, namely strict neutrality as between Chinese factions and broad participation by the interested foreign powers.
>
> While the American Government would be inclined to favor financial assistance to China on the above conditions, it is felt to be a corollary of this policy to discourage loans by its nationals unless assured that such loans are in harmony with the above views.[1]

Early in 1913 the American group in the six-power consortium was contemplating with the other consortium members a $125,000,000 reorganization loan to the Chinese Government. On March 4, 1913, the Taft administration gave way to that of Woodrow Wilson, and the next day Willard Straight, acting for the American bankers, wrote a letter of inquiry to Secretary Bryan to ascertain his wishes as to the reorganization loan.[2] On March 18, President Wilson gave the answer of his administration in a statement to the press declining to request the continuation of the group in the loan because of the conditions imposed upon China. The President used the following language:

> The conditions of the loan seem to me to touch very nearly the administrative independence of China itself, and this administration does not feel that it ought, even by implication, to be a party to those conditions. The responsibility on its part which would be implied in requesting the bankers to undertake the loan might conceivably go the length in some unhappy contingency of forcible interference in the financial, and even the political, affairs of that great oriental State, just now awakening to a consciousness of its power and of its obligations to its people. The conditions include not only the pledging of particular taxes, some of them antiquated and burdensome, to secure the loan, but also the administration of those taxes

[1] *Foreign Relations,* 1912, p. 107.

[2] Text in *Foreign Relations,* 1913, p. 167.

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> by foreign agents. The responsibility on the part of our Government implied in the encouragement of a loan thus secured and administered is plain enough and is obnoxious to the principles upon which the government of our people rests.[1]

Immediately following this disapproving statement the American group announced to the other national groups and to the Chinese Government that it had withdrawn from the negotiations for the loan. From this incident the power of the Government in discouraging foreign loans was made clear. The Chinese loan was so dependent upon governmental support that the refusal of the Department of State to approve the loan, implying a disinclination to accept the responsibility of protecting it, was an insurmountable obstacle.

When the World War broke out, American bankers asked the attitude of the Department of State concerning loans to belligerent countries. Secretary Bryan, expressing the first reaction of the Government upon the matter, advised against such financial assistance. "In the judgment of this Government", he wrote, "loans by American bankers to any European nation which is at war are inconsistent with the true spirit of neutrality."[2] Powerful economic forces gradually developed against this policy and after Mr. Bryan left the Department of State the decision was reversed. The unprecedented surpluses of exports over imports, amounting to $1,776,074,000 in 1915 and to $3,089,769,000 in 1916, described as an expansion unparalleled in the world's commercial history,[3] could be balanced only by lending to the buyers, and the grim might of overpowering economic interest made it almost impossible that the moral doctrine of Secretary Bryan should prevail.[4] During

[1] *Ibid.*, pp. 170-1.

[2] Noyes, *The War Period of American Finance*, p. 111.

[3] *Ibid.*, p. 118.

[4] It is not contended that Mr. Bryan's position was in accord with the precedents in international law, but, nevertheless, the enormous assistance which American trade and loans, two parts of the same transaction, gave to the Entente lends much support to his statement as to the inconsistency of such aid with the true spirit of neutrality.

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1915 and 1916 something over a billion dollars was loaned to Great Britain and France.

In 1917, during a controversy with the Government of Ecuador concerning the payment of claims of the American-owned Guayaquil and Quito Railroad Company, the State Department specifically mentioned its power of withholding approval from loans. In an instruction to the American Minister at Quito the Department said: "You may intimate orally to the Minister for Foreign Affairs that in no case will the Department give its approval to any loan by American bankers to Ecuador until interest is paid and daily deposits resumed." [1]

In the controversy with The Netherlands over the admission of American oil interests to participation in the development of the Djambi oil fields in the Dutch East Indies, the State Department in its instructions of April 19, 1921, to the American Minister at The Hague included a declaration that retaliation in kind against Dutch interests might ensue in case of exclusion of American oil companies, and there was a further ambiguous threat of additional action should this not be sufficient. The nature of the additional action was disclosed to some extent a few days later in an instruction that the exclusion of American interests "would create an unfavorable impression and a situation of general discouragement to prospective American participants in other branches of Dutch industry." [2] While these words were very indefinite in meaning, the unlikelihood that the Djambi dispute would deter American capital from entering into legitimate and profitable Dutch enterprises without some official pressure makes it impossible to interpret this passage as other than a veiled threat of a capital embargo to be instigated through Department advices.

Toward the latter part of the World War and for a few years after the armistice the United States held an incomparable position in world finance, due to its growing capital surplus and to the embarrassment of other creditor countries by the demands of the war. Great Britain, which prior to 1914 had furnished

[1] *Foreign Relations*, 1917, p. 738.

[2] 68th Congress, 1st Session, *Sen. Doc. No. 97*, p. 72.

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the largest share of capital for international financing, was forced to cease loaning abroad, and about the only available funds procurable by borrowing nations were in the United States. Aware of its power, due to this temporary monopoly, the Department of State began to consider definite methods and procedures in controlling loans.

On May 25, 1921, President Harding conferred with certain members of his cabinet and a number of leading investment bankers, and it was agreed that the bankers would keep the Department of State informed of foreign loans so that it might have an opportunity to object should it care to do so. Secretary Mellon is authority for the statement that it was the prospect of default upon American war debts which made this policy seem advisable.[1] Either some of the bankers did not quite get the meaning of this agreement or they did not understand why they must forego their lucrative commissions, for on March 3, 1922, the Department of State issued an announcement for the purpose of clearing up the matter. After referring to the preceding conference and to the fact that the desirability of cooperation did not seem to be sufficiently well understood in banking and investment circles, the announcement read as follows:

> The flotation of foreign bond issues in the American market is assuming an increasing importance and on account of the bearing of such operations upon the proper conduct of affairs, it is hoped that American concerns that contemplate making foreign loans will inform the Department of State in due time of the essential facts and subsequent developments of importance. Responsible American bankers will be competent to determine what information they should furnish and when it should be supplied.
>
> American concerns that wish to ascertain the attitude of the Department regarding any projected loan should request the Secretary of State in writing for an expression of the Department's views. The Department will then give the matter consideration and, in the light of the information in its possession,

[1] *Annual Report of the Secretary of the Treasury*, 1925, p. 54.

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endeavor to say whether objection to the loan in question does or does not exist, but it should be carefully noted that the absence of a statement from the Department, even though the Department may have been fully informed, does not indicate either acquiescence or objection. The Department will reply as promptly as possible to such inquiries.

The Department of State cannot, of course, require American bankers to consult it. It will not pass upon the merits of foreign loans as business propositions, nor assume any responsibility whatever in connection with loan transactions. Offers for foreign loans should not, therefore, state or imply that they are contingent upon an expression from the Department of State regarding them, nor should any prospectus or contract refer to the attitude of the Government. The Department believes that in view of the possible national interests involved it should have the opportunity of saying to the underwriters concerned, should it appear advisable to do so, that there is or is not objection to any particular issue.[1]

Vetoing of Loans to Governments Which Have Failed to Fund Their Indebtedness to the United States

As has been intimated, the policy of consultation outlined above was formulated for the purpose of controlling loans to the Allied Governments which had borrowed money from the United States, and it is in this connection that the policy has had its most important applications.

In the fall of 1922 the Rumanian Government was engaged in negotiations to refund its indebtedness through a $175,000,000 loan to be obtained in New York, London and Paris. At the same time that Government had made no attempt to fund its obligations to the United States, which amounted to $37,992,675.42, and which constituted a first lien on Rumanian assets. During the loan negotiations the Department of State protested against the incurring of further obligations by Rumania until action had been taken to arrive at a satisfactory

[1] A discussion of this policy was contained in the address by Dr. Arthur N. Young on "The Department of State and Foreign Loans", delivered at Williamstown, Mass., August 26, 1924. See also John Foster Dulles, "Our Foreign Loan Policy", *Foreign Affairs*, vol. V, p. 33.

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funding agreement with the United States. The result of this protest was that a commission shortly left Rumania for Washington to negotiate a settlement of the debt,[1] which settlement was eventually signed on December 4, 1925. While from the meager accounts of the affair which reached the public it did not appear that American bankers had been advised against the Rumanian loan, yet the protest to Bucharest undoubtedly derived its effect from the willingness of the Department of State to prevent any flotation in New York. In the face of this attitude the prospect, for the Rumanian Government, of completing the loan without first appeasing the United States would have been negligible.

It is a strange turn in the wheel of fortune that France, the nation which had used the capital embargo so effectively and for such diverse purposes, should herself be made to suffer from this device at the hands of her former ally. Seldom has a first-rate power been subjected to such financial pressure as has been applied to France in the last few years with regard to the war-debt settlement with the United States. At the close of 1924 France was the largest post-war borrower in the American market. Three times the French Government had come to New York for $100,000,000 loans for the stabilization of the franc. Provincial, municipal, railway and other loans had been floated, the whole totaling almost a half-billion of dollars. At the beginning of 1925 there were a number of new French loans, private and municipal, under consideration in New York; but already suspicions that France intended to ignore her war debt to the United States had begun to militate against their success. Late in December, 1924, there had been indications of sentiment in Congress against further loans by American bankers to France unless a debt settlement should be reached within a reasonable time.[2] And then events occurred which effectually killed French credit in the United States.

In January of 1925 Deputy Louis Marin, a former minister in the Poincaré administration, delivered in the Chamber of

[1] *New York Times*, Nov. 12, 1922.

[2] *Ibid.*, December 31, 1924.

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Deputies an address denying the moral obligation of France to repay the American debt. His speech was dramatic:

> While war still raged, statesmen in every country appealed in the common cause. Some gave their ships, some munitions, some the lives of their sons, some money, and today only those who gave money come saying to us: "Give back what we loaned."
>
> Yet during the war money was munitions. It was not more valuable than the lives given by 1,450,000 Frenchmen who died on the field and 300,000 who died of their wounds.

Cheers from all parts of the Chamber indicated that the speaker had expressed the inmost thought of the French people. The application of financial pressure in Washington followed immediately. The next day's dispatches from New York brought tidings that plans for the sale of new issues of French industrial and municipal bonds had been hurriedly dropped by American bankers at the instance of Washington.[1] From that time on French financing ceased to progress in the United States, although the bonds of other nations were sold in large quantities.

In an effort to arrange a settlement the French Debt Commission visited the United States, and conducted negotiations with the American World War Foreign Debt Commission during September of 1925. No permanent funding plan could be agreed upon, and the French commission carried back to Paris the American proposal for a temporary arrangement for five years, during which time France was to pay the sum of $40,000,000 annually. Hostile sentiment concerning this temporary settlement was manifested by denunciations from the French press. Undoubtedly it was an unpopular arrangement in France and would have stood but little chance of ratification unless further pressure should be brought to bear. From Washington came the intimation for a second time that further French loans were dependent upon ratification of the plan.[2] This announcement had its effect on the French Government.

[1] *New York Times*, January 23, 1925.

[2] *Ibid.*, October 16, 1925.

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M. Caillaux, in a speech at a Socialist Congress at Nice shortly afterward, took occasion to warn his hearers against imprudent words "which might endanger the system of loans to which this country is certain to have to resort again."[1]

Spurred to renewed efforts, the French Government took up the matter of reaching an understanding with the United States, and on April 29, 1926, an agreement was signed in Washington between the French ambassador, M. Bérenger, and the American World War Foreign Debt Commission. This accord was subject to severe criticism in France, where a parade of French World War veterans was held in Paris to show disapproval of the allegedly severe terms. It has not been ratified by the French Parliament.

The matter of the indebtedness became a subject of primary concern following the tragic drop in the value of the franc in the summer of 1926. During this national economic crisis it was evidently expected by French officials that loans could be secured from the United States for purposes of stabilization even before the ratification of the signed agreement as was the case in the dealings with Italy. The French Government was informed, however, that no money could be expected until the final concurrence of their Parliament. The falling franc was at the time wiping out the accumulated savings of hundreds of thousands of French men and women. In the bitterness of feeling over the loss of property the United States was roundly denounced for its embargo on loans.

Loans to France for the purpose of refunding outstanding issues have been dealt with differently from new issues. By the latter part of 1927 the improved condition of French finances, which made it possible to borrow at lower rates of interest, brought about an attempt to refund a $78,000,000 debt, which was the outstanding portion of the $100,000,000 loan obtained through J. P. Morgan and Company in 1920 at eight per cent. The Department of State announced that it would not disapprove of the refunding loan,[2] and the

[1] *Chicago Tribune,* October 17, 1925.

[2] *New York Times,* October 11, 1927.

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funds were accordingly obtained for the most part in New York.[1]

The embargo against France was partially lifted in January, 1928, when the Department of State withdrew its opposition to the flotation of French industrial securities. In explanation of its action the Department expressed a hope that such a manifestation of cordiality on the part of this country might influence the French Government to adopt a friendly attitude in the settlement of outstanding controversies, doubtless referring to the funding of the debt and the tariff dispute. A regard for the interests of American investors was likewise assigned as a cause for the modification of the embargo.[2]

During 1925 the capital embargo was extended to apply as a general policy to all other countries that had not funded their obligations to the United States. Secretary Mellon has explained this action as follows:

> Early in 1925, after much consideration, it was decided that it was contrary to the best interests of the United States to permit foreign governments, which refused to adjust or to make a reasonable effort to adjust their debts to the United States, to finance any portion of their requirements in this country. States, municipalities and private enterprises within the country were included in the prohibition. Bankers consulting the State Department were notified that the Government objected to such financing. While the United States was loath to exert pressure by this means on any foreign government to settle its indebtedness, and while this country has every desire to see its surplus resources at work in the economic reconstruction and development of countries abroad, national interest demands that our resources be not permitted to flow into countries which do not honor their obligations to the United States and through the United States to its citizens.[3]

[1] In refunding, the French Government sold $75,000,000 of 5% bonds to the Swedish Match Company of which a $50,000,000 portion was repurchased by an American company, the International Match Corporation, which obtained its money by a bond issue in New York.

[2] *New York Times*, January 15, 1928.

[3] *Annual Report of the Secretary of the Treasury*, 1925, pp. 54-5.

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Aside from France, the principal debtor nations affected by the embargo were Belgium and Italy. In the case of each of these countries the American policy produced renewed efforts to reach an accord. Debt-funding commissions were speedily sent from both countries to the United States. The Belgian agreement was signed on August 18, 1925, and less than two months later negotiations were commenced for a loan, the larger part of which was to be floated in New York. The agreement with Italy was signed on November 15, 1925, and negotiations for a $100,000,000 loan were immediately begun in New York. The loan was consummated before the funding arrangements were approved by the legislative bodies in either country, the embargo being lifted upon the signing of the agreement. A number of senators in subsequently opposing the funding arrangement made claims that the influence of powerful New York banking houses had been brought to bear upon the administration to hasten the agreement so that the way might be cleared for the rich commissions which they were to reap in the floating of the loan.[1]

The Soviet Government which repudiated the debts incurred by previous Russian governments has likewise come within the scope of the embargo. In 1926, W. A. Harriman was requested to drop plans which he had under way in Berlin to advance $35,000,000 to finance German exports into Russia. German capital for this purpose was evidently scarce as the German banks were asking eleven per cent for discounting Moscow's acceptances of drafts based on Soviet orders for German goods. In explanation of its disapproval, the Department of State let it be known that because of the Russian policy concerning debts it would not look with favor upon loans made directly to Russia or to other countries for promoting their trade with Russia.[2]

[1] The loan took up a $50,000,000 bank credit extended by J. P. Morgan & Co., while the Morgan house received a large commission for its part in forming the American syndicate.

[2] *New York Times*, April 10 and 11, 1926. Another reason advanced was that the Department failed to perceive any advantage that would come to the United States through promoting the trade of some other country with Russia.

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Another instance of opposition to financial aid to Russia was the extension of the embargo policy, which ordinarily applies only to publicly floated loans, to include an arrangement for the private sale of bonds in this country. In January, 1928, the Department of State, urged on by the New York Life Insurance Company, the First International Securities Corporation and other holders of repudiated Russian securities, intervened to stop an attempt to sell Russian railway bonds directly to American investors through the mail. The Chase National Bank of New York and banks in Chicago and San Francisco had been selected to act as agents for the payment of interest and retirement charges. The bankers were notified, however, by the Department of State, that there were serious objections to the plan. In a public announcement of its opposition the Department stated:

> The Department objects to financial arrangements involving the flotation of a loan in the United States or the employment of credit for the purpose of making an advance to the Soviet régime. In accordance with this policy the Department does not view with favor financial arrangements designed to facilitate in any way the sale of Soviet bonds in the United States.
>
> The Department is confident the banks and financial institutions will cooperate with the Government in carrying out this policy.[1]

Embargoes Against Loans to Support Raw Material Monopolies

On several occasions in the past American capital has been used to support foreign raw-material monopolies in their price-raising efforts. The result has been that American money has been used to increase the cost of commodities purchased by the American consumer. When in 1906 the State of Sao Paulo in Brazil decided to go into the various markets of the world to purchase coffee and thereby raise the price, it could at first receive no financial assistance in Europe and consequently ob-

[1] *New York Times,* February 2, 1928.

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tained the needed funds in New York. As a result of its valorization efforts the price of coffee was materially raised, Congressman Norris claiming that the artificial rise in price amounted to a charge of about $35,000,000 per year to the American people. A government commission in Yucatan which was backed by New York bankers helped to raise the price of sisal in 1916 from 6⅝ to 14 cents per pound, and created a great deal of dissatisfaction among agriculturists in the United States on account of the effect upon the price of binding twine.

As a result of such use of American money, Secretary Hoover, in his campaign against foreign raw-material monopolies, recommended that American capital should not be used to finance such combinations,[1] and on several occasions the embargo policy has been followed with regard to them.

In 1925 plans for a bond issue to be sold in New York for the State of Sao Paulo for coffee valorization were under way when the bankers were informed that the Department of State would not approve of the loan. The following statement of Secretary Hoover was issued:

> The Administration does not believe the New York banking houses will wish to provide loans which might be diverted to support the coffee speculation which has been in progress for the last year at the hands of the coffee combination in Sao Paulo, Brazil. Such support would simply bolster up the extravagant prices to the American consumers.

In December, 1925, a similar ban was placed upon a proposed loan to the German Potash Syndicate. An issue of $50,000,000 was planned, of which $25,000,000 was to be disposed of in New York through an American syndicate. The American end of the loan was abandoned because of the disapproval of the Government.

[1] *Report of Secretary of Commerce,* 1926, p. 38.

[2] *New York Times,* November 13, 1925.

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The Embargo On German Loans That Are Apt to Interfere With Reparation Payments

The possibility that extensive loans to the states and communes of Germany might create a condition in that country which would make the payment of reparations under the Dawes Plan impossible led the Department of State in 1927 to adopt an attitude of careful scrutiny of such loans. This policy was in accordance with the tenor of the note of S. Parker Gilbert, Agent-General for Reparation Payments, of October 20, 1927, in which he criticized the extravagant tendencies in Germany's fiscal policies. Mr. Gilbert pointed out that German states and communes had borrowed heavily abroad, and that such large-scale indebtedness would have the tendency of impairing public credit and of giving an artificial stimulus to German economic life. A condition of high costs of production, high prices and increased imports, resulting from large public expenditures, would, according to the Agent-General, interfere with the payments of the sums called for in the Dawes Plan, in that it would make more difficult the raising of funds in Germany and would increase the foreign-exchange obstacles to payments.[1] Shortly before it had been announced from Washington that the Department of State was considering an embargo upon American loans to German states and communes where they were of such character as to hamper payments under the Dawes Plan.[2]

Concluding Observations on the American Loan Embargo Policy

The unconstitutionality of the embargo policy has been alleged on several occasions. Typical of such allegations were the remarks of Senator Glass, a former Secretary of the Treasury, who recently contended that "The State Department has no more right to establish a practice or adopt a policy of approving or disapproving of foreign loans of private individuals, concerns or corporations in the United States than it has to embargo the export commodity trade of this country."[3]

[1] The text of the note was reprinted in the *New York Times*, Nov. 6, 1927.

[2] *Ibid.*, September 27, 1927; Nov. 7, 1927.

[3] *Proceedings of the Academy of Political Science*, January, 1928, p. 47.

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While there is no positive constitutional authority for the specific practice, it appears that the right to announce in advance the attitude of the Department upon loans concerning which its assistance may later be sought is a natural derivative from the right to protect American investments abroad. Granting the power of protection, it must be admitted that the selection of the types of investments which are to be protected is a matter of discretion for the Department of State. It cannot be maintained that the Department must protect investments which it considers contrary to the national interest. Conceding that there are certain types of investments which need not be supported, it becomes a matter of clear right for the Department to announce such disapproval in advance to the investing public, for the same reason that it may make a public announcement of any of its policies. The embargo is then a part of the larger unwritten constitution, deriving its validity from the nature of the powers which every government must entrust to its foreign office.

The effectiveness of the capital embargo depends upon the urgency of the need on the part of the prospective borrower and the completeness of the capital monopoly on the part of the prospective lender. As the need of France for financial assistance in 1925 may be said to have been urgent, so the embargo placed upon loans had a real effect upon the fiscal and industrial condition of that country. The fall of the franc in the latter part of the year could no doubt have been arrested to some extent by a loan for currency purposes. Accordingly the disaster to the savings of the French people which was dealt by the falling of the franc created some bitterness against the United States. At the same time renewed endeavors to reach an agreement on the war debt were stimulated.

Experience with the embargo has shown, however, that it is frequently ineffective as an obstruction to the financing of an enterprise, inasmuch as it neither prevents the borrower from going elsewhere for capital nor shuts off the flow of capital from the lending country to the country under the ban. When on November 3, 1925, the general proscription of foreign loans in London was lifted, the United States lost its position as the

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world's sole bond market of importance. Both the Sao Paulo coffee loan and the German Potash Syndicate loan of that year, which were refused in New York, were floated in Great Britain. The success of these loans in London caused criticism of the State Department's attitude by some American financiers who claimed that the only effect of the embargo was that London bankers received the commissions which otherwise would have gone to New York houses.

Under the present policy of the Department of State, capital from this country cannot be entirely restrained from entering the country against which the embargo is invoked. Except in the case of Russia the Department's policy has pertained to public flotations only. No attempt has been made to give advice concerning bank credits or sales of securities which are floated abroad. But the extension of credits is an effective method of exporting capital for short periods. Large American exports to Russia have been financed in this way despite the embargo on loans. Furthermore bonds which are publicly floated in Europe may be purchased by bankers and sold in the United States without the formality of a public flotation. In the case of the Sao Paulo coffee loan, which was sold in London, an American banking house purchased a considerable block of the bonds and resold them in the United States at a figure in advance of the price at which they had been offered in London. Thus one effect of the embargo was to compel American investors to pay a higher price for the bonds than would have been necessary had they been originally offered in New York. Likewise as financial conditions in France improved during 1927, American capital was attracted into the securities of that country despite the attitude of Washington. City of Paris bonds, issued in Holland, were purchased in large amounts by American bankers, who resold them privately to friends in the United States. In this instance the bankers were able to secure them at the original sales price on the same basis as the Dutch bankers.[1] The general rise of French bonds in the New York markets reflected the demand for other issues in the United States.

[1] *New York Times*, February 8, 1927; May 29, 1927.

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In addition to these forms of capital leakage, an embargo against a particular issue abroad may suffer from the fact that loans for other purposes may so ease the financial situation in the country in need of capital as to make possible the diversion of funds to the enterprise condemned by the State Department. Although American loans to Germany for the purpose of assisting in exports to Russia are forbidden, yet the loaning of money to Germany for other purposes has helped to make possible the use of German funds for the extension of credits to Russia. Thus the United States has indirectly loaned to Germany money with which to conduct her trade with Russia.

In some countries the power of embargo is maintained for the purpose of protecting the public against unsound issues. This practice is similar to the function performed under the Blue Sky Laws of various states. In the United States, however, the capital embargo has not thus far been applied to prevent unsound investments. Only matters of national policy have entered into the consideration of department officials. It has been suggested, however, that should the standards of American bankers prove to be not sufficiently high, and should issues be sold to the public which later go into default, the extension of the policy to cover the soundness of the loan would possibly follow.[1]

From the standpoint of the bankers it is urged that the duty to consult with the Department of State on all contemplated foreign bond issues is a real handicap, in that the delay entailed may mean the loss of the loan in cases where negotiations move rapidly. The time which is required for the State Department to look into the matter and to consult the Commerce and Treasury Departments, which is always done, may vary from twenty-four hours to several weeks. The State Department has requested that the bankers shall not submit bids contingent upon receiving the approval of the Department. If requests for competitive bids are cabled to the bankers of several nations at once the delay necessary on the part of the American bank-

[1] Address of Dr. Arthur N. Young, *loc. cit.*

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ers for purposes of obtaining the approval may cause them to lose the contract.[1]

The advisability of the embargo has been properly called into question on account of the ill feeling which is certain to follow its use. A proud nation resents the application of pressure to compel it to revise its policies contrary to its own judgment. The implication of the partial loss of political independence through financial dependence is an undoubted humiliation. The assurance of sovereignty is one of the most highly prized values in world politics, and its importance in the minds of other peoples is apt to be underestimated by a nation rising to the heights of economic power. A large part of the world criticism directed against the so-called financial imperialism of the United States has been caused by the embargo policy, and in all probability the injury to American prestige has exceeded any resultant gains.

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[1] Dulles, *loc. cit.*, pp. 34-5.

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POLITICAL IDEAS IN THE JACOBIN CLUBS

THE metaphysician, if he be courageous and tender-minded enough, can afford to admit that his theories are not built from the common practices of men; but the political philosopher has no such fine freedom of thought. He cannot dismiss too lightly the reproach of hard-headed politicians, that political theory has nothing whatever to do with political practice. Political theory, he must maintain, tries to explain what the practical politician is doing. It is not abstract, remote, or impractical, but as useful and as worldly as chemical theory. If in its higher reaches it deals with matters that hardly enter into the experience of the average man, chemistry too has its atoms and electrons.

Political philosophy cannot in this scientific world be chided for its reliance on theories. The only reproach that need trouble the political philosopher comes from those who, though they often talk as if they questioned the use of thinking at all about politics, are actually heretics, not unbelievers. They really deny, not political theory, but the historical content of political theory. For them, to study political theory in the pages of Aristotle and Rousseau is to go to the Schoolmen instead of to life. Political action is the outcome of appetites and fears, of law and custom, of ambition and intrigue, but not of ideas . . . least of all, of ideals. The proper study of politics is the study of institutions and men, the machine and its drivers. The secrets of politics are never to be found in the philosopher's study. At the very best, orthodox political philosophies are but partial explanations—rationalizations is the cant word—of what has already come about. It is thus the greatest of mistakes to attribute to the political philosophers of the past a decisive influence on events. The explanation of the French Revolution lies not in the works of Rousseau and Voltaire, but in the quite unphilosophic *cahiers*. The modern political philosopher will pass over the writings of Rousseau to

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go straight to the acts of Bonaparte. The Eighteenth of Brumaire is a fact. The general will is an ingenious bit of dialectic.

There are several possible answers to this denial of the value of ideas in politics. One might, for instance, play off one science against another, and ask the psychologist whether appetites and ideas live quite apart in human consciousness. There is no need, however, for the student of the political theory of the past to go far afield for allies. If he is conscientious, he must himself have felt all the doubts his opponents can suggest. The way to resolve those doubts is to follow their lead, leave the philosophers and join the crowd. If the ideas of the philosophers crop up again in the crowd they will at least be enriched by a sort of objectivity.

It is necessary, then, to test political ideas by their currency with practical, and even with ordinary men. One must get at the realities of politics for leaders as for the rank and file. Thanks to the New History, there is more material for such a study than might at first seem probable. This is particularly true for a period very pertinent to the problem at hand, that of the French Revolution. The minutes, correspondence and other proceedings of the Jacobin clubs have survived and engaged the attention of historians to a surprising extent. Now, the canniest of political realists must admit that these clubs were agents of political action; that, like Tammany Hall and the Anti-Corn Law League, they got things done. The wisdom of their methods and achievements is fortunately not here involved. It is sufficient that the proceedings of these clubs, from that of Paris to that of the most insignificant rural commune, render common men as articulate as any philosopher.

The Jacobins themselves did all they could to father their revolution on the philosophers. This of course proves nothing, not even their sincerity. But on the whole, their devotion to Rousseau and Voltaire was too absurd to be insincere. At Lyons, in the Year III, a procession in honor of the transferring of Rousseau's ashes to the Pantheon was composed, among others, "of young men worthy of Émile, of young girls worthy of Sophie, of mothers from among those who had not neglected their duty by giving their children to wet-nurses." There was

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also a copy of the *Contrat social* borne by a group of officials, and a banner inscribed with "these sacred words extracted from that work: *L'homme est nê libre—Renoncer à sa liberté, c'est renoncer à sa qualité d'homme, aux droits de l'humanité, même à ses devoirs.*"[1] The club of Montauban insisted that the first books in its new library must be the works of Rousseau, Voltaire and Mirabeau, since these writers "have risen to principles, have found the source of governments in the very nature of man, and, unwilling to stop at mere ill-digested compilations of absurd and incoherent laws, have made it their duty to follow the divine torch of a wise and beneficent philosophy."[2] A Jacobin of Bergerac proposed to appoint four commissioners to "extract all the passages of J.–J. Rousseau bearing on the French Revolution, and make a table from which each member might draw examples and lessons."[3] At Nay, in the Pyrenees, the club decided to read every evening from the speeches of Robespierre, preferring, apparently, the text-book to the text.[4]

Such instances could be multiplied indefinitely. A mere general devotion to the memory of the philosophers may, however, be no more than lip-service, and at most it is but an instance of the sort of ritual into which political theory frequently and perhaps inevitably degenerates.

More specific philosophic tenets are not lacking in the pages of these records. The familiar theory of the separation of powers is to be found everywhere. It may be true that in practice men appealed to this theory only because they wished to weaken the existing executive; but that they should so appeal is perhaps an indication of the true rôle of ideas in politics. For the bald claim that the king must be dethroned could not have won over the well-meaning; nor would it have op-

[1] Buffenoir, "L'Image de J.-J. Rousseau dans les sociétés de province", *Révolution française*, vol. LXXI, p. 51.

[2] F. Galabert, "Le Club Jacobin de Montauban", *Revue d'histoire moderne* (1908), vol. X, pp. 14-15.

[3] H. Labroue, *La Société populaire de Bergerac* (1915), p. 72.

[4] J. Annat, "Les Sociétés populaires dans les Basses-Pyrénées", *Revue historique et archéologique de Béarn* (1911), vol. II, p. 496.

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posed itself in turn to the erection of a new and strong executive power. Whether or not they sincerely believed in the separation of powers, the men who made the revolution of 1789 were bound by the theory they had professed. Power was so subject to checks and balances that it disappeared. Barnave told the Paris club in 1791 that local authorities should not be allowed to call out the militia of neighboring districts in times of crisis without consulting the department, which in turn must consult the legislature at Paris.[1] Another member was so obsessed by the theory of the separation of powers that he was forced to provide for cases of impeachment by erecting a special committee of legislators, who, once the trial was over, should satisfy the dogma of separation of powers by dropping out of the legislature for the rest of the session![2]

Rousseau, rather than Montesquieu, however, is the traditional inspiration of the revolution. Few Jacobins but must have agreed with a member of the Paris club who, regretting the fact that Rousseau was no longer alive to teach by practice as well as by precept, rejoiced that "he has left us his principles, indestructible arms before which error falls of itself."[3] So thoroughly were these principles mastered that a very fair paraphrase of Rousseau's political meetings could be pieced together from the documents left by the clubs. A fragment of this paraphrase will be worth constructing here.

The doctrine of the natural goodness of man occurs in a thousand forms. The newly elected bishop of the Haute-Vienne told a club that "the ethics of Nature has so great an empire over the human heart that one need but explain its principles and they will be adopted with transports and cherished."[4] Paris had so little sophisticated one Jacobin that he could declare, "I do not think any man destined by Nature to be a monster. Men are born good and become evil."[5] The

[1] Aulard, *La Société des Jacobins: Recueil de documents pour l'histoire du club des Jacobins de Paris* (1889-1897), vol. II, p. 341.

[2] Aulard, *op. cit.*, vol. I, p. 149.

[3] *Ibid.*, p. 231.

[4] A. Fray-Fournier, *Le Club des Jacobins de Limoges* (1903), p. 209.

[5] Aulard, *op. cit.*, vol. III, p. 68.

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society at Lunéville sought to wean Catholics from their superstitions by supplanting mass with sermons on such texts as, "Let us be docile to the lessons of Nature and we shall be virtuous," and "The Golden Age." [1]

From this belief in the goodness of men unspoiled by rank and privilege it is an easy step to a belief in the collective wisdom of masses of men. Camille Desmoulins is praising a very democratic Parisian club, the *Cercle social*:

> I shall observe that the *Cercle social* is composed of 3000 members, and, in so numerous a club, it is impossible that reason should not dominate; for today, with this progress of philosophy and enlightenment, it would seem that reason makes to men the same promise that Christ made in the Bible, "For where two or three are gathered together in my name, there am I in the midst of them." [2]

Political wisdom is common to all men, and political leadership requires no particular skill or training. "To be a good elector, it is not necessary to be rich, it is not necessary to be learned, it is enough to have pure intentions, to be a good man, and above all a good *patriote*." [3] Even Du Port, a thorough moderate, could say in the Paris club: "It is not so much genius that a nation asks from its representatives, as it might from a poet; it is rather the most austere probity and an inviolable fidelity to the wishes of their constituents." [4]

This mystical faith in a common emotional goodness binding men in society never abandoned Rousseau. In his disciples, it became rather a fashion than a faith, and there is nothing now to save it from ridicule. There is little left of the emotion which underlay the address of the Jacobins of Thann to the mother society at Paris:

[1] H. Baumont, "La société populaire de Lunéville", *Annales de l'Est* (1889), vol. III, p. 364.

[2] Aulard, *op. cit.*, vol. I, p. 397.

[3] A. Lallié, "Les sociétés populaires à Nantes", *Revue de Bretagne et de Vendée* (1890), vol. IV, p. 345.

[4] Aulard, *op. cit.*, vol. II, p. 100.

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> Come to our aid, dear brothers, children of liberty, come! Jacobins above all Jacobins, come and enlighten us with your wisdom, guide us with your teaching. We shall joyfully receive them, those freely given lessons imprinted with the mark of your beautiful souls and perpetuated in your sublime writings. Yes, we shall receive them, those beneficent precepts which will annihilate fanaticism and restore man to his true estate — the state of Nature.[1]

If Rousseau starts with this un-Christian but very theological conception of Man and Nature, his politics go far beyond it. The *Contrat social* is an unusually successful attempt to reconcile his theology with the world, desire with the flesh. Rousseau would keep the *emotions* which are implied in his conception of liberty, and which are definitely rooted in the concrete man of appetites, and at the same time divert these emotions from the individualistic—that is, antinomian—channels in which they waste themselves in this world. Order he would construct from disorder; for the existing order imposed by the purely external authority of the *ancien régime* is in itself unnatural and inhuman. This is the source of his social pact. If society is to be order, then man must be in society and society must be in man. The *Contrat social* is a bad book for all but very philosophical anarchists. The Jacobins, who were very practical authoritarians in the end, saw this, and made it their textbook.

References to the "*pacte social*" are abundant in these Jacobin papers. It is not always clear whether an actual historical pact was meant or not. The question is of no importance. What really matters is the common conviction that society is nothing apart from its members; that the relation between the individual and society is not, like the relation between the governed and the governing, purely external, but internal and necessary. That is, the relation is *organic*, and can be changed only by death. The individual is not linked to society as he is linked to his fellows, in relations which are sub-

[1] H. Poulet, "L'Esprit publique à Thann pendant la Révolution", *Revue historique de la Révolution française* (1918), vol. XIII, p. 375.

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ject to time and accident, and which involve dependence and command, but in a relation imposed equally on all his fellows and expressed, not in terms of human will, but of divine law. This is the social contract.

No analysis as abstract as this could of course become a commonplace of politics. Yet the idea of the social contract was undoubtedly vulgarized, and to a surprising extent the Jacobins mastered its abstractions. In its most definite form, the trace of the social contract is to be found in the constitution-worship of the early years of the revolution. A constitution was no common set of laws. There was one right constitution, a constitution not subject to accident and decay, a constitution independent of the great ones of the earth who do the ordinary business of government. So sacred did the society of Bergerac hold the work of the Constituent Assembly that they suggested that any member of the new Legislative Assembly who should protest against the constitution should be dropped from that body.[1] The rules of the Society at Ars-en-Ré declared "that any member who should be found guilty of transgressing the law of the social pact and manifesting unconstitutional principles shall be reprimanded, or if the case be grave, excluded from the Society."[2] Brissot developed the same respect for fundamental law into a protest against this very attitude. We must not, he says, hold the work of the Constituent Assembly to be final. The only invariable law is the Rights of Man (a form of the social contract) and this was not made by the Assembly, but by Nature. There are no invariable human laws, no variable natural laws.[3] Brissot, like Rousseau, has found a superhuman origin for the authority society exercises over the individual. *Vox populi vox naturae.*

After the idea of the social contract comes that of the general will. Here too Rousseau, though he appears at times to be lost in political metaphysics, is really occupied with the practical problem in psychology that gave rise to the *contrat*

[1] Labroue, *op. cit.*, p. 156.

[2] M. de Richemond, "Délibérations de la sociéte d'Ars-en-Ré", *Archives historiques de la Saintonge et de l'Aunis* (1904), vol. XXXIV, p. 49.

[3] Aulard, *op. cit.*, vol. II, pp. 189-190.

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social: How can the individual, who *naturally* (and rightly) acts according to his own will, be brought to act according to the will of society? Rousseau's answer is that the individual in a true society is joined to that society in no merely external way, but by a spiritual bond which is of the stuff of his will, and that therefore his will and the will of society are one, and there is no problem. This answer is often treated as a mere begging of the question. But the question was not how to make men contented in society, but rather, why they are contented in society. The conception of the general will in itself is a description of the body politic in a state of health, not a prescription for its disease.

The Jacobins, however, came to regard the idea of the general will almost as a nostrum. Some of them perhaps grasped its psychological import. M. Loyseau of Paris, discussing the judiciary, said:

> The judge is but the organ of the law, and he cannot apply to it more of his intellectual faculties than the attention which apprehends without deciding anything itself. In this point of view, man is given back to his own real nature, as soon as it is to the law which he himself has made that he is obliged to conform.[1]

But the chief attention of the Jacobins was devoted to the practical question, how to make their wills the will of society.

For, admitting that Rousseau's conception of the general will is sound as a mere description of a psychological process, its practical application is another matter. It is clear that in this world many men find that their will is opposed to the will of society; that the mystic bond is lacking. One way out is that of the modern pluralists, to admit conflict as inevitable, to recognize, not one society, but many societies, and to see in the complex relations between individuals and the societies of which they are members the establishment of numerous and only comparatively fixed and stable general wills. But the Jacobin way out—a way certainly indicated by Rousseau him-

[1] Aulard, *op. cit.*, vol. I, p. 46.

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self in the famous distinction between the general will and the will of all—was to make the state the only society, and to take over from theology a principle to solve the difficulty of rebellious wills. If the individual does not share in the mystic loyalty of the general will, if he sets his will against that of a society, it is a proof that he is not in a state of grace. His is a will to evil. But no man is free in doing evil. To prevent him is to free him, and release his free will, which is that of the society. The Jacobins of Limoges have put it clearly: "Is it not to be in reality the friend of one's brothers to force them, in a manner of speaking, to accept the cup of salvation which is offered them in the name of reason and humanity?"[1] Robespierre said more neatly: "The revolutionary government is the despotism of liberty against tyranny."

In this way the element of consent was eliminated and Jacobins could continue to develop all the authoritarian and collectivist elements implicit in Rousseau's ideas. From the first the Jacobin clubs insist in their manifestoes that they are not rebels, that they recommend obedience to the law, and that they hold anarchy to be the worst of crimes. An orator asked the club of Toulon:

> We have respected, for centuries, the will of one man: shall we not learn to respect our own? Without virtue, you will make revolutions in vain—now slaves, now subjects, now royalists, now republicans, but never free—for why make of public officials repositories of the fixed law which is your will, if each one of you does but wish to follow his own caprices, his own passions?[2]

But if one society is to decide what is caprice, there is obviously an end to what common sense believes to be liberty. To several Jews admitted to the society at Thann the presiding officer "said that they should make themselves like other republicans by renouncing the usury and rascality common to

[1] Fray-Fournier, *op. cit.*, p. 2.

[2] H. Labroue, "Le Club Jacobin de Toulon", *Annales de la société d'études provençales* (1907), p. 43.

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their race, and advised them to get their beards shaved off."[1] After this, it is not surprising to find Lameth justifying a law against the *émigrés* with the remark that "a nation can attach to its benefits whatever conditions it pleases."[2] The benefit in this instance seems to be the involuntary membership that comes from birth within its borders.

The modern nation-state was the inevitable end achieved by the outburst of energy common to the western world at the end of the eighteenth century. The doctrines of Rousseau—social contract, general will, popular virtue and popular sovereignty—fit themselves well into the complex machinery of the modern state. A curiously naïve statement from a Parisian Jacobin will show how political abstractions can be merged with human emotions, how patriotism can make the general will only too easily understood. The speaker was complaining of insults to Frenchmen in Spain. "I shall observe," he continued, "that the French nation is sovereign; that each Frenchman being an individual portion of this sovereignty, it is a question of the honor of the nation that each of its members should be protected and honored abroad."[3] This seems as absurd in content as in phraseology. Does being a Frenchman make a rascal honorable? Perhaps *qua* Frenchman he is a being quite other than himself *qua* rascal? Then we have a pluralistic universe, and the rascal is as real as the Frenchman, and not to be banished by political theology as unreal.

Jacobins, old and new, will not have it so. They will have one society, one sovereignty, one will. The general will, however, as we have seen, is no abstraction, but the product of living relations. As such, it does not incorporate abstractions, like virtue, or even, alas, France, but realities, human beings. Since the concept "Frenchman" comes nearer to the complex living human being than the eighteenth-century "Man of Virtue", the modern nation-state is less an abstraction than the

[1] Poulet, *op. cit.*, vol. XIV, pp. 113-114.

[2] Aulard, *op. cit.*, vol. II, p. 103.

[3] *Journal des Débats de la société des amis de la Constitution, séante aux Jacobins*, no. 8, June, 1791.

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purely theological state of the brief Jacobin triumph. But even the nation-state incorporates only part of the wills of its members. To just the degree that it fails to recognize this, it is an abstraction, and must live on faith alone. Since the nation-state has survived so well, faith is perhaps commoner in the western world than skeptics will allow.

The proceedings of the Jacobin clubs are not, of course, filled exclusively, or even largely, with discussions about sovereignty, the general will, virtue, Rousseau and other generalities. These minutes have the greatest possible variety. Some are the barest and dryest of outlines, and others are extremely verbose; some show political, or at least parliamentary, sophistication, and others are like nothing so much as the minutes of a young men's debating society. All show the clubs occupied frequently with intimate, local, quite unphilosophic concerns—food supply, details of town administration, recruiting for the army, bolstering the falling *assignats*, personal rivalries and gossip. Much of their business is purely party business; that is, their decisions are determined directly by party loyalty, and they follow the word sent out from Paris without adding to it anything of their own—not even reflection. But party discipline cannot be maintained without catchwords at least remotely descended from ideas. The religious policy of the clubs, in which direction from Paris is most evident, is always justified in the language of the Enlightenment.

Political ideas, then, are continually cropping up in the proceedings. They were a staple part of the Jacobin diet. Sometimes the secretary merely notes that "a brother read a Republican credo of his own composition,"[1] or that "Boyer read from Rousseau on the nursing of infants";[2] at other times the speech or paper is analyzed, or even given in full. Everything to the Jacobins is filled with the Revolution; and the Revolution transcends the individual, and hence the empirical sense-world. It is a philosophy, a *Zeitgeist*, a faith. The society at Château Thierry was regaled with a symphony "*analogue à*

[1] G. Champagne, *La Société populaire de Dreux* (1908), p. 81.

[2] Fray-Fournier, *op. cit.*, p. 216.

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la Révolution", the work of a local composer.[1] The *Anti-politiques* of Aix-en-Provence praised the clubs as the "bulwark of the Revolution." "It is there," they continued, "that the contact of ideas, by *electrifying republican souls*, has succeeded so well in developing revolutionary ideas; vigilant sentries for the good of the human species, they have seen nothing but the people, worked for nothing but the people, defended nothing but the interests of the *eternal people*."[2]

The political ideas of Rousseau and his fellows did, then, seep down into the consciousness of numbers of politically active men. With the charge that the French Revolution is exceptional in this respect we are not at present concerned. Nor need we be held back by the statement that the really important men, the men who did things, did not bother about ideas. Carnot may have been the "Organizer of Victory", but he certainly was not the organizer of the whole revolution. The dualism which divides men into doers and thinkers is no less crude and false than any other dualism. Danton fits it no better than Robespierre, Roosevelt no better than Wilson. And for the common men who are the stuff of politics, such a division is far too heroic.

For at the very lowest terms, ideas have for the common man of politics the validity of symbols. They are for him external signs of a force greater than words, a force which yet through these words allies itself to him. They have value both as dogma and as ritual. "Liberty, Equality, Fraternity" are a democratic Trinity. The Declaration of the Rights of Man was read at the height of the Revolution in every club of the Jacobins in France with religious regularity, as if it had been a creed or a paternoster. Reason was a goddess, and the Marseillaise a hymn.

Political ideas thus turned into ritual undoubtedly suffer a degradation, a loss of clarity and logic. An influential Parisian

[1] J. Rollet, "La Société populaire de Château Thierry en l'an II.", *Annales de la société . . . . de Château Thierry* (1881), p. 236.

[2] F. Ponteil, "La Société populaire des Antipolitiques d'Aix-en-Provence", *Revue historique de la Révolution française* (1918), vol. XIII, p. 36. The italics are mine; note the theological implication of the word eternal.

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Jacobin could use words as meaningless as these: "For liberty makes law rule; law preserves equality; and equality alone is sufficient to regenerate opinion."[1] The society of Noyon published this paradox, a fairly common one at the time: "Equals in the eyes of the law *as in the eyes of Nature*, there exist between Frenchmen no differences save those of virtue and talents."[2] One wonders whether these gentlemen would have admitted virtue and talents to be unnatural. Finally, abstract words come to be used almost like talismans, with little regard for their dependence on reality. The club of Millau, not content with the orthodox abstractions, adopted as its device, "*Liberté, Egalité, Fraternité, Cordialité, Vérité, Justice, Vertu, Sévérité, Humanité.*"[3]

The political theories of Rousseau had, then, clearly penetrated alike to leaders and followers in the French Revolution. Simplified and even degraded, they are none the less recognizable as the ideas of a political philosopher. The most skeptical cannot deny their currency. But would not any other set of ideas have gone just as well with the actual events of the Revolution? Were not the ideas a result rather than a cause, an end, not a beginning? The mere currency of political ideas is not enough to prove them an active influence on events.

The first of these questions can be answered summarily, as it deserves. It is quite impossible to imagine "Faith, Hope and Charity" substituted for "Liberty, Equality and Fraternity" in the years 1789–1795. Language may be a disguise for passion, but it is not a travesty. At the very lowest terms, a given set of political ideas does bear a relation to some men's wants.

Such ideas may, of course, be totally incapable of changing the wants of those who hold them. That is the meaning of the second of the above questions, and it is the heart of our problem. No purely empirical answer is possible, even for the

[1] Grouvelle in Aulard, *op. cit.*, vol. I, p. 226.

[2] P. Cozette, "La Société populaire et républicaine de Noyon à ses frères les habitants des campagnes", *Bulletin de la Comité des recherches historiques, etc.* (1904), p. 421.

[3] L. Constans, "La Société populaire de Millau après le 9 Thermidor", *Révolution française* (1888), vol. XIV, p. 793.

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psychologist; certainly it is not for the historian. But let it be noted in passing that to recognize the dependence of ideas on wants ought not to involve a denial of the importance of traditional political philosophy. This very dependence makes political ideas, if once it can be proved that they have been commonly adopted outside of academic circles, useful indications of what men want. Granted that Rousseau did not make the Revolution, the Revolution at least made Rousseau. That is, the primal and utterly unreasonable forces that drove men to act in such a way as to produce the Revolution found in Rousseau's writings something as near expression as forces so primal and so unreasonable can ever attain. Even for the old-fashioned materialist, then, the study of political philosophy must throw light on the men for whom this philosophy was at least a tool.

As a matter of faith, however, it is possible to maintain that ideas change the wants, and hence the actions of men who adopt them. Conversion, though it must be sanctioned within a man, must come from without him. Even though human beings are tied to a ground of wholly inarticulate appetites, these appetites have a way of escaping into the articulate. It is not only that the external world often refuses human appetites, and makes necessary what popular psychology calls sublimation; it is even more that human appetites fail to compass the complexity of the external world. We are forced to think not merely because we often cannot have what we want, but still more often because we can have so much more than we want. Thought simplifies the world to accord with desire. We can usually more completely satisfy an appetite by devoting it to an end abstracted by thought from a hundred possible ends.

But a man who satisfies his desires with an abstraction will scarcely act in all respects as he would have acted had he satisfied his desires immediately upon a concrete object. The idea has changed the man. Modern psychologists may be right in saying that the monk who spent his love on Christ and the monk who devoted his to the village women were moved by emotions essentially the same. The fact remains that the two monks were different men—or different aspects of the same

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man—precisely because of the difference, not in their wants, but in that on which their wants fastened. One would hardly deny the influence of the women upon the monk's life and character. Why then deny that of the idea? Again, unless men are to be changed by contact with an abstraction, how can we hope to "Americanize" an immigrant? It is true that the process of Americanization often fails. We have not, however, maintained that the changes worked by ideas are ever rapid and wholesale, but merely that they are real. Some immigrants are Americanized; and this by a conscious attempt to change old habits to conform to a new idea. Whatever their motives, greed, pride or ambition, they all try to become like Americans; that is, their conduct is moulded by what they think contained in the concept "American". That concept may involve all sorts of things, from gum-chewing to a belief in the political ideas of Thomas Jefferson. Had they desired to become good Christians, for instance, instead of good Americans, their conduct—and their importance for the philosopher—would be quite different.

For men are largely at the mercy of current abstractions. The origin and development of these abstractions, and their relation to whatever there may be of permanence in human nature is a problem for the philosopher. One need not be too hopeful an evolutionist to believe that this relationship is not without effect on human nature itself. Indeed, those who deny the real importance of political ideas have usually been inspired by a dislike for the doctrine that ideas are something absolute and divine, that they descend upon a prophet, who announces them to the waiting world, and that at once the worthy among mankind are moved to conform their lives to these ideas. Rousseau thus appears as the prophet and cause of the Revolution. This Messianic conception of the rôle of ideas in politics is not, however, the only alternative to the materialistic thesis, and the natural objections of the hard-headed to its idealistic assumptions are not sufficient to banish ideas from their active work in politics.

For ideas do not make desires any more than desires make ideas. The two are merged organically and not mechanically in

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human life. Therefore, no arguments shrouded in metaphors which make inarticulate desires the driving force in politics can hold. Steam certainly makes a steam-engine go; but at present we can only say of human beings that life makes them go. This conception of life is not purely mystical, and much of it is subject to logical analysis. But when such analysis denies itself, and seeks to separate thought from any manifestation of human life, as when it declares that political ideas are results but not causes, it must assume the burden of a completely mechanist philosophy. And mechanism, with its too simple doctrine of causation, shows signs of failing even the physicist.

Rousseau's philosophy obviously was part of the lives of the men who made the French Revolution. No one can glance at contemporary records and doubt that. And that is enough. The question as to whether they would have acted differently had Rousseau never existed is at bottom an idle one, since again it assumes that political action is mechanical, and that a force, once weighed, can be subtracted from the whole. The eighteenth century itself may be allowed to have the final word in this matter. For, as to the Rousseau of the Revolution, *s'il n'existait pas, il faudrait l'inventer.*

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THE PROGRESS OF THE CAMBRIDGE ANCIENT HISTORY

DURING 1926 and 1927 three additional volumes of the *Cambridge Ancient History* project have come from the press.[1] The rapid succession of their appearance represents an astonishing speed in production on the part of the editors, each of whom has made his own contribution to one or more of the volumes. The twenty other collaborators whose names appear in the prefaces must also have worked rapidly. It is one of the numerous advantages which have come through the coordination of effort of so many specialists that this important historical series bids fair to complete itself in the course of a decade. Another advantage lies in the fact that the cooperative-specialistic method avoids the necessary assumption of a single scholar that one mind is adequately equipped to interpret the cultural life of antiquity in all the forms of its expression and with all its manifold nuances and changes. Only the mental powers and tremendous force of an Edward Meyer may warrant such an assumption; and even his energy has not been adequate to complete the task which he set before himself as a young man, that of covering the entire history of antiquity in all of its phases. I am tempted to ascribe also a third characteristic of the volumes before me to the system of cooperative specialization—the glow of personal interest and the general warmth of treatment which distinguish so many of its parts.

Though one may disagree, even violently, with many of the minor decisions which these English scholars have made—sometimes also in larger questions of interpretation—there is no sign that careful workmanship has been sacrificed to undue haste. The general period covered in volumes IV-VI is from about 800 B. C. to 301 B. C. The editorial decision was made earlier in the development of the work to permit an overlapping of treatment of the seventh and sixth centuries B. C. in volumes III and IV. It has worked out successfully. The editors have thus been enabled to cover, in volume IV,

[1] Edited by J. B. Bury, S. A. Cook and F. E. Adcock, Cambridge University Press. Vol. IV: *The Persian Empire and the West,* 1926; Vol. V: *Athens, 478-401 B. C.,* 1927; Vol. VI: *Macedon, 401-301 B. C.,* 1927.

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the early development of Persian power and that of the Greek city-states in those phases of their historical experience which brought about the conflict between Greek interests and those of Persia; and this group of three volumes could be centered about two larger motifs in the field of foreign relations: in the eastern sector, Persian-Greek relations, in the western, Carthaginian-Greek relations.

It may be well at this point to consider two factors which must in any review, and notably in this one, determine the trends of criticism and the measure of appreciation. These are: the purpose of the work and the audience for which it is meant. The purpose of the editors of the *Cambridge Ancient History* has been to present the history of antiquity in a set of volumes (their number must surely run to ten or twelve) as a part of the wider task of covering the entire history of European civilization which was begun in the series of the *Cambridge Medieval History* and that of the *Cambridge Modern History*. The primary nucleus of the readers of the series must obviously be a limited group of professional scholars. To this is added a secondary group—a much larger one, it may be hoped—that in the historical bleachers. One assumes that this audience is proportionally greater in the British Isles than in the rest of the English-reading countries. It may not know the finest points of the game; but it may, thereby, appreciate better the total result, the final score. In Great Britain there is still extant a definite public which has been raised upon Herodotus, Thucydides and Xenophon. The existence of such a reading public no doubt explains the assumption of general knowledge of the facts of ancient history and an interest in its last details which is characteristic of the method followed in the *Cambridge Ancient History*. This assumption is surely not a pose. Indeed, it seems to be unconscious. Professor J. D. Beazley, in his attractive and able discussion of Greek art of the fifth century (vol. V, chap. xv), uses such terms as *kore, kouroi, centauromachy*, and quotes the "swift iambics" of Aeschylus (in the original and without translation) as if everyone must know what they mean. This, from the standpoint of the American reading public, goes quite a way beyond that which our classical education warrants. When Professor Beazley speaks casually of "Amelung's Tyrant-slayers" even the more-than-average American would be impelled to ask four questions: "Who was Amelung? Who was the tyrant? Who were the slayers? And why did they slay them or him?" Regret at the recent death of Professor Amelung is deep

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among the American scholars who knew his generous spirit and valued his scholarship; but the group which had this privilege is indeed small.

If Professor Beazley may have somewhat overshot his mark, perhaps even for his British readers, the assumption of an equipment adequate to understand scholarly work is better met by Mr. J. T. Sheppard in his chapter (vol. V, chap. v) on the Attic drama. The subject has been so often re-worked that it might well have seemed useless to try to evoke new tones from the material; but Mr. Sheppard has attempted it, and has done it rather splendily, in diction worthy of the subject: "Socrates recreated the heroic world and peopled it with heroes, Euripides fixed his eyes on Athens." This is a very apt, and a characteristic, comment. Mr. Sheppard has done his primary task well, that of presenting the drama, an attainment of Hellenic history peculiarly Athenian, as an historical achievement important in itself, as literature. Except in the case of Aristophanes (vol. V, pp. 141-142), where the necessity of doing so is imperative, he has not attempted to place the three great dramatists in their relation to the intellectual movements of their time. This seems to the writer to be a serious omission in a treatment which is primarily historical rather than literary.

A definite and exacting standard of ability in treatment and of quality of result must have stood before the editors and the authors of these three volumes as they worked. A similar standard of criticism may fairly be applied to the results by every scholar who reads their presentation of this period in which the varied talents of the ancient Greeks expended themselves with such vigor and originality in new fields of creative effort. The standard is that set by the classical tradition of the universities of the British Isles and the philhellenism of British intellectual leadership in the past century. This has been powerful enough even to affect British foreign policy in considerable degree. The acme of its expression lies in George Grote's *History of Greece*. Though Johann G. Droysen had just completed his important work upon the Hellenistic period, and had given in it a new perspective to Greek history, Grote was still completely under the sway of the English tradition that the greatness of Greece and its supreme historical importance was confined to the period before Alexander's conquests. It was solely the free city-state, with its democratic principles of government, that accounted for those historical results of Greek life which were particularly

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worth while. Thereafter the political life of Greece became cramped and degraded. The Grotian tradition dominated British scholarship in the field of Greek history for a long time. When John Bagnell Bury completed his *History of Greece* in 1900 he closed his account with the battle of Crannon in 322 B. C. This could be done by Bury without the need of explanation in his preface, and with the valedictory comment at the close of his volume that the republics of Greece had done their imperishable work by that time: that they had given to the world its most precious thing, fearless freedom of thought.

There is something to be said for Bury's earlier point of view; but there is also a great deal to be said for the assertion that, without the conquests of Alexander and the consequent spread of the Greek language in the *koine*, Greek cultural ideas could not have become so deeply embedded in the consciousness of the ancient world as they did become. This larger point of view is, obviously, that of John Bagnell Bury as editor of the *Cambridge Ancient History*. The scope of this enterprise in itself would have necessitated a change to the wider conception which prevails in the present treatment. Yet the older tradition may be sensed here and there in these volumes, in the note of melancholy at the loss which the world suffered through the eclipse of the Greek city-state. It is best expressed by Ernest Barker at the end of his chapter (vol. VI, chap. xvi) on Greek political theory in the fourth century: "But those who have been touched by the tradition, and educated by the philosophy, of the Greek city-state may be permitted to stand by its grave and remember its life: to wonder what, under happier auspices, it might have achieved, and to lament that it was not given to a Greece inspired by Athens to lead the Mediterranean world to a unity deeper and more pervading, because more surely rooted in a common culture—larger and more permanent because more firmly planted in a general freedom—than Rome was ever destined to achieve."

The editors have followed another tradition of British scholarship in permitting each contributor to give his considered judgment upon any question of dispute which has arisen within the sphere of his allotted subject. If his fellow contributors disagree with him, that is beside the point. Each follows his opinion. The editors point out for the reader the divergence of view. The reasonable conviction of a competent scholar is not to be sacrificed to a false conception of the need of unity—which is altogether admirable. In his account

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of the battle of Marathon, Mr. J. A. R. Munro gives a reasoned argument for his rather startling view that it is to be dated in 491 B. C. (vol. IV, pp. 244-45). Mr. E. M. Walker, who completed the same chapter with the events of the years 490-480 B. C., was not convinced: and he retains the accepted date of 490 B. C. (p. 253). In the following volume Mr. Walker has competently discharged his task of presenting the Delian League, the Periclean Empire, and the organization of the democracy of Athens in the fifth century (vol. V, chaps. ii-iv). The Peace of Callias, commonly ascribed to 448 B. C., he does not believe in, as an actual treaty; but he finds, in the unsubstantial material upon it from antiquity, evidence of an embassy of Callias to Persia which he dates within the years 462-460 (vol. V, see "Notes on Chronology," no. 3). Into the distinguished hands of Mr. W. W. Tarn was given the setting of Persian affairs from the death of Xerxes to the time of Alexander, the deeds of that extraordinary person, and the surpassing importance of his activities (vol. VI, chap. i, chaps. xii-xv). Tarn does not agree with Walker's dating of the Peace of Callias, which he retains at 449 or 448 B. C. as formerly accepted.

It is inevitable that multiplicity of authorship must bring with it divergence of literary style, accentuated, of course, by the differences of subject matter allotted to each contributor. A certain unity in this regard has been attained, however, by maintaining throughout the British tradition of good, clear writing. Some measure of unity in treatment is also apparent. This has been accomplished by assigning the various authors their special fields of interest in a chronological-topical sequence rather than by a system of cross-sections in which each writer would be compelled to cover the entire Mediterranean area within fixed time limits. Thus Mr. F. E. Adcock gives the internal history of Athens in the later seventh, the sixth and a part of the fifth centuries (vol. IV, chaps. ii-iii, vol. V, chaps. vii-viii). This continuity is broken only by Mr. Walker's discussion of the reform of Clisthenes and Persian-Greek relations to 491 B. C. (vol. V, chaps. vi). Mr. Walker then carries on the subject of Greek internal and foreign affairs through the period of Cimon's political supremacy and that of Pericles to 445 B. C. At this point Mr. Adcock again takes hold and presents the fourteen years preceding the Peloponnesian War (445-431 B. C., in vol. V, chap. vii). It is probably an outcome of his observation of the World War that he regards the embargo declared by Pericles against the goods of Megara

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in 432 B. C. as an "operation of the war", a warning perhaps, and a blow at *morale*, rather than a cause of the war. "The state which could by a single decree, close a hundred harbors despite all the hoplites of the Pelponnese, was not an enemy to be lightly challenged, least of all by Corinth" (vol. V, p. 186). It is an attractive hypothesis, convincingly stated.

Professor W. S. Ferguson of Harvard University is the second American scholar to be honored by inclusion in the list of contributors to the *Cambridge Ancient History*. Three chapters are his, covering internal and external Greek affairs (except those of the western Greeks), from the Peace of Nicias in 421 until the fall of Athens in 404 B. C. (vol. V, chaps. ix-xii). He has frankly followed the Thucydidean account very closely, so far as it carried him. What better thing could he do? It is to be hoped that his unusual knowledge of the cultural importance of Athens after the time of Alexander will be at the service of the editors in the further development of the series.

Mr. R. Hackforth has depicted the course of Greek affairs in the west, centering about Sicily, throughout the three centuries covered in these volumes (vol. IV, chap. xi, vol. V, chap. vi, vol. VI, chap. x). His sequence is broken only by John Bagnell Bury's special interest in the able and ruthless ruler of the west, Dionysius of Syracuse (vol. V, chap. v). W. W. Tarn has reconstructed the broken evidence on the Persian Empire in the fifth century and in the fourth until the young Macedonian, Alexander, put an end to the old Persian royal line (vol. VI, chap. i). It is correct method, and a happy thought in editorship, to have him continue this with the account of Alexander as Great King of Persia (vol. VI, chaps. xii-xv). The reader will find here an uncommonly fresh and vivid narrative. One gains some impression, from Tarn's analysis of the expedition of the 10,000 Greeks (as recounted by Xenophon) and from other parts of his work, of the type of Mr. Tarn's mind and the source of his untrammeled and clear observation. It may be a mistaken notion but one feels that Tarn has never known the man, dead or living, who need be taken as seriously as that man has taken himself. Whether this be Tarn's viewpoint or not, it is a sound principle. Certainly he looks at men and events with keen and skeptical eyes. None the less he is not without his great admiration. This is for the gallant figure of Alexander. Murder is murder. The death of Permenio on Alexander's order was black murder. It may be ex-

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plained as political necessity. It cannot be condoned. Yet "to be mystical and intensely practical, to dream greatly and to do greatly, is not given to many men. It is this combination which gives Alexander his place apart in history."

There is much work, of sound scholarship, in these volumes which cannot be mentioned here. Suffice it to say that, in dealing with a period and with a people peculiarly sympathetic to the British temperament, the group of authors seem to have measured up to the exacting tradition which lies behind them. The death in early June of John Bagnell Bury, the editor-in-chief of the series, and in November of David G. Hogarth, who contributed ably, as was his custom, to volumes II and III of the series, are serious losses. The work will no doubt go forward with the same vigor and intelligence as heretofore. It is the most fitting tribute which could be paid to these two eminent scholars.

WILLIAM LINN WESTERMANN.

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REVIEWS

The Business of the Supreme Court: A Study in the Federal Judicial System. By FELIX FRANKFURTER and JAMES M. LANDIS. New York, The Macmillan Company, 1927.—viii, 349 pp. (Table of Cases.) $5.00.

The enactment on February 13, 1925, of the Judges' Bill—so called because it was drafted by a committee of Justices of the Supreme Court—has been deemed by the authors of this volume as furnishing occasion for a systematic history of congressional legislation regulating the appellate jurisdiction of the Court. The work is based on wide research, is well arranged and pleasingly written. It suffers, if anything, from the excess of its virtues. It would seem at times that the learned authors had attempted to transplant the whole tree of knowledge when a carefully chosen basket of the fruit thereof would have been more acceptable. On page 103 the authors say: "Except the abortive Federalist Act of 1801, the Circuit Courts of Appeals Act [of March 3, 1891] was the first structural modification in the federal judicial system since its creation a hundred years before." Yet to the arid tale of numerous futile attempts at legislation during this period the first third of the volume is largely devoted; a similar criticism applies, although with diminished force, to the second third of the book. On the other hand, one could have desired a more direct account of some of the statutes referred to and of their interpretation.

For students of government the valuable portion of the volume is the last one hundred pages, comprising chapters vi, vii and viii. In the first of these chapters an account is given of the Conference of Senior Circuit Judges which originated in the Act of September 14, 1922. The importance of this act in at once unifying and improving the federal judiciary can hardly be exaggerated, while it has the incidental merit of creating for the convenience of Congress an authoritative adviser on legislation affecting the judiciary. In chapter vii a like service is performed for the Act of 1925. This account marks the climax of Congress' struggle, in the face of the growth of the country and of national power, to keep the Supreme Court's docket within manageable limits. The act does not diminish the appellate jurisdiction of the Court, but renders a considerable part

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of it discretionary by substituting appeal by writ of *certiorari* for appeal on writ of error. The latter writ still remains available in the most important cases—those which answer to the Court's function as ultimate arbiter between the states and nation. Indeed, it is the considered opinion of the authors that the compulsory jurisdiction of the Court cannot safely be curtailed further. The question consequently arises, whence further relief is to be forthcoming for the Court in the by no means remote future when its docket shall again become clogged. One suggestion of the authors is (p. 290) that review be strictly confined to the federal questions involved; another (pp. 290-292) is that the Court be relieved "from the present necessity of passing on issues of fact"; another suggestion is the curtailment of the jurisdiction of the District Courts over corporation and receivership cases (a consummation devoutly to be wished on independent grounds); and still another is the allocation of petty criminal business to an appropriate method of summary procedure (pp. 292-293).

An idea which crops up earlier in the book seems to have been overlooked in these later pages. In a footnote on page 210 the Court itself is indicated to have been of the opinion in 1916 that it could cope with the increasing number of cases brought before it "by delivering fewer opinions and by making the opinions more concise in most cases" (See 42 *Am. Bar Assn. Rep.*, 334-335). Whether the Court's time could be thus saved may perhaps be doubtful. Too many of the Justices' opinions, it is to be suspected, are controlled by the circumstance urged by Atticus to Cicero, when he said that since he had no time to write a short letter he would write a long one. But at least the time of students and lawyers would be economized by a somewhat radical reform regarding this matter. I have before me as I write a report of the recent decision of the case *Gong Lum v. Rice*. The question at issue was whether the school authorities of Mississippi could, consistently with the equal-protection clause of the Fourteenth Amendment, assign a child born in this country of Chinese parents to a school which received only colored children. Citing certain cases, the Court answered yes, provided the facilities thus furnished were equal to those offered to all, whites as well as colored. In arriving at this lucid but comparatively simple result the Chief Justice expends nearly 2700 words!

The last chapter of the volume contains some excellent criticisms of the Court's methods of handling constitutional questions. Under the modern doctrine of due process of law such questions pivot more

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and more on issues of fact, and these the Court is at present unable to handle satisfactorily, although the progress which it has been making in this respect in recent years is perhaps more considerable than our authors conceive it to be (let the reader examine for himself the cases cited in note 43 on page 313). It should be added that Professors Frankfurter and Landis show themselves to be most anxious to celebrate the authors of fruitful ideas of reform. A handsome and well-deserved tribute is paid Chief Justice Taft in connection with the enactment of the Acts of 1922 and 1925. As an instance of an oversight, on the other hand, Professor W. F. Dodd's intelligent agitation for the Certiorari Act of December 23, 1924, should be mentioned.

One incidental contribution to knowledge in this volume ought not be missed. In a footnote on page 261 the following gem is quoted without comment from a speech by Senator Heflin: "The Bible tells us that it were better that ninety-nine guilty persons go free than that one innocent man should suffer"! The distinguished Fundamentalist Senator is urged to re-read his scripture and also to examine the 27th chapter of Fortescue's *De Laudibus,* which can be had in translation.

On page 41 the word "comprise" is used in the sense of *compose.* This usage, though frequently encountered, is obviously one to be eschewed.

EDWARD S. CORWIN

PRINCETON UNIVERSITY

Political Myths and Economic Realities. By FRANCIS DELAISI. New York, The Viking Press, 1927. — xvii, 446 pp. $4.00.

This is another volume in the rapidly growing literature of world economic interrelations and world peace. But it is not merely "another volume"; it is novel in its approach, fresh and rich in illustrations, clear and effective in analysis and arrangement, and distinctive in some of its suggestions as to the way out of the present disorder and menace.

The earlier chapters are grouped under the heading "An Outline of Political Mythology." The argument runs somewhat as follows: Security and stability, so essential to society, depend upon the social conscience and willing obedience of individuals. Such obedience can be counted on only if men have some gripping conception of the society to which they belong. Since they cannot have a full and

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scientific understanding of it, the myth is devised—a conventional idea, a rough-and-ready conception. It is formed by magnifying the individual's notions of his own daily life and applying them to the group. It is an essential element in human society, and, if not too far out of line with realities, it is beneficial. But its value is purely relative and transitory. It alone cannot hold society together; the framework of society is constituted by its instruments of defense, its laws, its finances, all of which are supported and fed by economic enterprise. The myth is subject to a slower change than are other essential elements, for ideas usually travel less rapidly than events. In fact, it tends to become rigid, absolute, intolerant, sacrosanct. "It immobilizes conceptions in a world where everything changes." Sooner or later the "myth" or doctrine must change radically or be replaced by another. But, owing to lack of imagination, a generation or more must pass before the revised conception is accepted by all. Unconscious of changed conditions, mankind continues to think of the present in terms of the past, and cataclysm results.

The author traces in some detail the life cycle (rise, triumph, universal expansion and ultimate decay) of these "moral levers of command," and draws illustrations from what he terms the polytheistic, the Christian, the feudal, the papal, the monarchical, and the democratic myths. But his main concern is with the national myth and its relation to present-day problems. Starting little more than a century ago in agrarian France, the peasant's ideal of individual ownership of his farm was elaborated into the notion of the collective ownership of the country by its inhabitants. This idea of the sacred soil with sacred frontiers was reinforced by developing traditions of racial unity and of national genius and ideals and by the achievement of linguistic unity. This principle of nationality has spread throughout the world, been accepted as a sort of sacrosanct religion, and come to dominate all the relations between states. Even those who do not believe in its absolute truth consider it a social necessity.

Meanwhile a profound change has come over the basic economic structure of society. Production and markets have been internationalized; in fact, the world has become one being, the "Geon". But the individual, while accepting for himself the advantages of machinery, of specialization, and interdependence of enterprise, is loath to see them expand beyond the limits of his nation. Hence the attempt to make his country a complete economic entity by means of tariffs or other restraints; or, failing in this, to join his nation by

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conquest to a series of countries whose production and industries are complementary. Thus, for a century, all the peoples have oscillated between the two conceptions of economic nationalism and economic imperialism, with resultant conflicts culminating in the World War. (The economic factors underlying this war and revealed in the course of its prosecution, the author reviews impartially and at length.)

It required a war to show to the nations their economic solidarity. But this very war, fought in the name of the principle of nationality, only intensified national sentiment and, by liberating "oppressed peoples," has multiplied frontiers. The Treaty of Versailles ignored, in large measure, the realities of economic interdependence. Governments, true to an outworn tradition, are grappling with a world problem along strictly national lines.

The problem is primarily psychological. The trouble is not with things but with the way we look at them. The way out is not via internationalism or pacifism—these are too abstract; but through a synthesis of nationalism and internationalism. The national myth should not be abolished; but it should be examined to see what portions are outworn and what should be preserved. The line of separation seems to run between the basic economic structure and the political superstructure. In the adaptation of myth to reality, governments must play a part. Greater promise, however, is seen in such agencies as the International Chamber of Commerce, the International Labour Office, and the League of Nations, fortified by more and more international groupings of industrialists, traders, bankers, intellectuals, and workers. "The professional organization is the most suitable instrument for bringing about the full realization of economic interdependence."

PAUL S. PEIRCE

OBERLIN COLLEGE

English Local Government: English Poor Law History. Part I. *The Old Poor Law.* By SIDNEY and BEATRICE WEBB. London and New York, Longmans, Green and Company, 1927.—x, 447 pp. $8.50.

Readers and students familiar with Mr. and Mrs. Webb's previous volumes on English Local Government will find in this—the seventh in the series—the same amplitude of information and copiousness of supporting authorities, the whole woven into a clear and effective

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presentation designed to utilize the experience of the past for the primary purpose of contributing toward the solution of present problems. Acknowledging their indebtedness to such pioneers as the late Sir William Ashley and Miss E. M. Leonard, they have, so they inform us, confined their studies for the period previous to 1689 largely to the writings of others, although from that date to 1834 they have delved extensively into contemporary pamphlets, vestry minutes and county records.

The story which is told in considerable detail in the first six chapters is summed up in a seventh, entitled "Conclusions". As the authors interpret the Old Poor Law it passed through six stages: (1) The repression of vagrancy, while the relief of the destitute was left to Christian charity. (2) The beginnings of public relief under the Tudor legislation, 1536-1601. (3) The "premature attempt at a nationalized poor law," when, from the opening of the seventeenth century to the outbreak of the Civil War, the local authorities were rigidly supervised by the Privy Council. (4) The period from the Restoration to the last quarter of the eighteenth century when "the framework of repression was maintained, and was even strengthened by the Law of Settlement and Removal and by repeated Vagrancy Acts"; but when various "philanthropic experiments were tried as well," supplemented by sundry devices for compelling the poor to work. (5) The years when the practice prevailed of apprenticing and farming out paupers to the capitalistic manufacturers who, toward the end of the century, were developing as a result of the Industrial Revolution. (6) The period when outdoor relief began to predominate.

The whole system was complicated and involved, since more than one method was being tried, on occasion, at the same time; indeed, it is important to note that practically every measure embodied in the famous Act of 1834 had precedents in the past. In drawing "conclusions as to the relative success and failure of the principal varieties of Poor Law policy prior to the Poor Law Amendment Act of 1834" the authors criticize successively and incisively: religious almsgiving; "the profitable employment of the poor"; the farming or contracting system; the workhouse test; and outdoor relief, which latter amounted to subsidizing employers. Means for bettering the situation, which would have commended themselves to the authors, such as collective bargaining, a minimum wage and reorganization of industry, did not then exist, hence are alluded to only briefly.

While Mr. and Mrs. Webb write with strong feeling and with

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sympathy for the unfortunate, their guiding aim is to present the facts as scientifically as possible. However, one is bound to hope that the corruption in the eighteenth century was not as universal as they assume; furthermore, at least one of their arguments against the profitable employment of the poor—the lack of incentive on the part of managers and workers—might apply to a socialistic organization of industry.

The proof-reading appears to have been done with extreme care, though "simple pomp" (p. 19) would seem to be a contradiction in terms; the legal historian Dr. Holdsworth makes three appearances as Houldsworth (pp. 113, 314, and index); and of course the Riot Act was never read to mobs (p. 142, n.) but only the proclamation to disperse under that act. Mr. and Mrs. Webb's membership on the Royal Commission of 1905-1909, and their previous works on the modern problem—*The Break-up of the Poor Law,* 1909 (the Minority Report of the Poor Law Commission); *English Poor Law Policy,* 1910; *The Prevention of Destitution,* 1911; and *Grants in Aid; A Criticism and a Proposal,* 1920,—will lead students of the subject to await with expectancy their volume covering the period from 1834 to the present.

ARTHUR LYON CROSS

UNIVERSITY OF MICHIGAN

Gladstone and Britain's Imperial Policy. By PAUL KNAPLUND. New York, The Macmillan Company, 1927.—256 pp. $4.00.

Early in Gladstone's first administration it was common belief that the dissolution of the British Empire was at hand, and that the Prime Minister and his colleagues were actually trying to bring it about. Gladstone himself denied that this was the case, but it has generally been supposed that he was indifferent, if not hostile, to the colonies, that, in the words of Professor Egerton, "his genius and the genius of Greater Britain stood opposed." Morley's *Life of Gladstone* did little to alter the popular opinion, and it remained for Professor Knaplund, in a paper published in *The Canadian Historical Review* of December, 1923, to show that it was not warranted by the evidence. In the present volume, which is based upon research in published and manuscript sources (especially the Gladstone Papers at Hawarden) and wide reading in secondary literature, he makes it clear that Gladstone was deeply interested in colonial affairs and gave much thought to them at various times during his long

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public career, that in the main he sympathized with the colonists in their desires for greater self-government and their aspirations for nationhood, and that he played a part that was not unimportant in the evolution of the British Commonwealth.

Even before his conversion to Liberalism Gladstone came to believe that the connection between Great Britain and the colonies depended more upon sentiment and spiritual attachment than upon compulsion. He was not a pioneer in the movement for colonial reform, but he learned much from the reformers, especially Molesworth, and by 1850 he had become a convert to their cause. In a long and able speech on the colonies, delivered in 1855, he went so far as to urge that they be allowed to decide how long they should remain within the Empire, and declared that if they were given this liberty it would be hard to say when they would wish to separate from the mother country. In 1864 he favored the establishment of a federation of the British North American colonies so as to bring them as nearly as possible to "the National sentiment and position." In 1873, as Prime Minister, he opposed a motion that the colonies should be asked to contribute to the defense of the Empire. "What we wish", he said, "is, not that the Colonies should, under pressure from this country be brought to make . . . grudging contributions towards the expenses of the Empire; what we wish is to see the growth of the true spirit of freedom in the colonial communities which would make them not only willing, but eager, to share all the responsibilities of freedom and to take part in the common burdens." Ireland does not come within the author's purview, but he shows that Gladstone regarded Home Rule as analogous to colonial self-government and believed that its adoption would strengthen, not weaken, the relations between Ireland and Great Britain.

Professor Knaplund's conclusion is that Gladstone "must be reckoned among the great architects and builders of the British Commonwealth of Nations". It is not captious to question the use of such a metaphor, for it suggests the principal criticism to be made of this interesting and valuable monograph. The British Commonwealth was not built according to plan, and it is better not to provide it with "architects". Gladstone's utterances were sometimes illumined by prophetic flashes, but he did not foresee that the self-governing colonies of his time would become the Dominions of today. He probably believed that they would eventually reach the status of independent nations, but to his mind independence involved political separation from the Empire, and this he wished to postpone,

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not to hasten. Moreover, as Professor Knaplund himself points out, Gladstone held some views which, if they had prevailed, would have made impossible the evolution of the Commonwealth as it has taken place.

R. L. SCHUYLER

The First Americans. By THOMAS JEFFERSON WERTENBAKER. Vol. II of *A History of American Life,* edited by Arthur M. Schlesinger and Dixon Ryan Fox. New York, The Macmillan Company, 1927.—xvi, 338 pp. $4.00.

The writing of American history has become in these hectic days a semi-hazardous profession. Historical scholars have found themselves and their works denounced by demagogic politicians and professional patriots because their investigations have led them to discard some of the fictions which passed for history a generation ago. Professor Schlesinger, one of the editors of the new *History of American Life,* has been one of the chief targets of the self-constituted censors of American historical scholarship because of the offense which he gave to 100 per cent patriots in his splendid analysis of the recent tendencies in American historical writing, entitled *New Viewpoints in American History.* And there is little doubt that the aforesaid critics will find in this new enterprise of Professors Schlesinger and Fox abundant material to confirm their views that both of these gentlemen are thoroughly unpatriotic; especially if they should discover that one of them is at present temporarily sojourning in England. Then, too, the subject matter of these volumes will arouse many perfervid patriots because a true picture of the life of the American people is certain to disclose much that is commonplace and sordid as well as much that is inspiring and heroic.

The editors of this new history have set themselves the task of presenting a view of American life from the early colonial times to the present time. In these volumes will be found little or nothing about the traditional subject matter of history—politics, wars and diplomacy. In its stead the authors portray the life of the people—what they ate and wore; what they read and wrote; how they labored and played. Professor Wertenbaker's volume is the second of the series. It traces the history of the colonists during the seventeenth century. Here is the story of the transplantation of thousands of Europeans to the New World and the evolution of a new society under the influence of the frontier. During the eighty-three years

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covered in this volume settlements were made along the Atlantic seaboard from Maine to the Carolinas. Although the colonists in all of these settlements were confronted by similar frontier problems, there were different climatic, economic and religious conditions in the northern and southern colonies which led in time to a differentiation in the social life of these sections.

Professor Wertenbaker has centered his story largely about the development of Virginia and Massachusetts. In the former he has disposed of the traditional belief that the Old Dominion was founded by Cavaliers who set up lordly estates surrounded by hundreds of white servants and negro slaves. In point of fact Virginia, at least during the seventeenth century, in common with the other colonies, was settled by yeomen who cultivated plantations of moderate size largely by their own labor.

In the nature of things the early colonists found little time to devote to literary, artistic or scientific activities. The more pressing work of clearing the forests, fighting the Indians, and building afforded little opportunity to develop intellectual life. The author has given an entertaining account of the condition of the medical profession in the colonies. Surely the colonists must have been made of sturdy stuff to have been able to survive the medicaments of the doctors and medical quacks. Thus a cure for "all sorts of Ulcers" as well as "soddainly broken bones" was concocted as follows: "Beate to a subtile powder one ounce of crabbes eyes, then put upon it in a high glass four ounces of strong wine-vinegar. It will instantly boyle up extremely; let it stand till all be quiett; then strain it through a fine linen; and of this liquor (which will then taste like dead beere, without sharpness) give two spoonefuls att a time to drinke three times a day; and you shall see a strange effect in a weeke or two."

In general, Professor Wertenbaker has given an excellent account of the foundation of a new civilization, distinctly American. Fault may be found with the fact that the author has drawn his material almost exclusively from Virginia and Massachusetts. Some account of the social conditions in the other colonies, especially New York, would have provided a more complete picture.

NELSON P. MEAD

COLLEGE OF THE CITY OF NEW YORK

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The Rise of the Common Man. By CARL RUSSELL FISH. Vol. VI of *A History of American Life,* edited by Arthur M. Schlesinger and Dixon Ryan Fox. New York, The Macmillan Company, 1927.—xix, 391 pp. $4.00.

It goes without saying that any book by Professor Fish will be a notable book. In this volume he attempts an extremely difficult task which even he finds hard to perform but which in the main he accomplishes. His aim is to take the "generation" of Americans that rushed into power in 1829, and make it a reality to us. What he hopes to do is to put the general reader, at the end of the book, in such a mental attitude that the years 1830-1850 shall have become to him a panorama of clashing events, exhibiting to the mind's eye a rich, if confused and contradictory, picture, not only of the politics but of all phases of American life in those highly significant years. The panorama—perhaps one should say the kaleidoscope—sweeps all around the soul's horizon. There are chapters on "Material and Social Inheritance," on "Farm, Plantation and Highway," on "The Religious Scene," on "Reform and Slavery," etc.; sixteen such varied chapters in all. The data accumulated under these suggestive heads ranges from the introduction of the rocking chair to the philosophy of Emerson, from the daily round of the mistress of a southern plantation to the causes of the rise of corporations.

There can be no question of the value, the suggestiveness, the range and vividness of it all regarded as a panorama. It does for the 'thirties and 'forties much the same sort of thing that Mr. Sullivan is doing for our own time. The striking thing in Mr. Sullivan's work is that he is content to be purely a panoramist—if the word may be permitted. He does no analyzing, he makes no attempt at fusion, at synthesis. Hence, his clear, sparkling, surface unity. But Professor Fish, the severely analytical historian, cannot be content to rest in those conditions. He seems to have doubts of the very method he is using. These doubts are delicately intimated to the reader at the opening of chapter vii, which bears the formidable title, "Manners and Morals." In this chapter Professor Fish relies largely on the narratives of foreign travelers to which he introduces us with these pregnant remarks: "The generation was exposed to a continuous 'close-up' without having learned how to appear before the camera. Whether this multitude of snap-shots affords a better understanding of its real life than the materials existing for earlier generations is a question." To point the doubt still more positively he contrasts the

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English picture contained in Green with the "much more confusing picture" contained in McMaster.

In the hope, apparently, of introducing some order into chaos, Professor Fish allows his analytic faculty to work in like a gleaming thread, now appearing, now disappearing, throughout the book. Whether the result is satisfactory to himself, one would like to know. Being an acute student of human nature, he is keenly aware that back of the welter of surface confusion in any age, there must be major subterranean forces determining the combinations of its kaleidoscope; but, being also an historian of great attainments, he is equally sensitive to the dangers in asserting what those forces are. To intimate, to suggest, but scarcely to dogmatize on this bewildering subject, is part of his purpose. He does not want to formalize his subject so that the true character of the contradictory surface will be lost to view. The thoughtful reader who seeks his real intent will find it by bearing in mind his double purpose. By so doing, the reader will perceive, here and there, the basic forces of the time rising momentarily to the surface and giving hints of what underneath was fashioning the period for its own transformation into the period that was to follow. By way of specimen of this phase of the book, one might look into chapter iii, "Aims and Methods," for very illuminating remarks upon how and why business corporations came to play their great part in the life of the time and for the singular attitude of the Jacksonians with regard to them; into chapter vi, "New Americans and New Homes," for the much-neglected subject of the relation of the corporations to the change in the American electorate through immigration; into chapter viii, "The Politicians," for a summing-up of the functions of corporations in the creation of the later world in which we live.

NATHANIEL WRIGHT STEPHENSON

SCRIPPS COLLEGE, CLAREMONT, CAL.

The Emergence of Modern America 1865–1878. By ALLAN NEVINS. Vol. VIII of *A History of American Life,* edited by Arthur M. Schlesinger and Dixon Ryan Fox. New York, The Macmillan Company, 1927.—xix, 446 pp. $4.00.

The Emergence of Modern America by Professor Nevins is one of the first numbers to be published in the series edited by Professors Schlesinger and Fox. If the remaining volumes keep to the standard which Mr. Nevins achieves the series will be a notable one.

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In general, Professor Nevins has almost completely ignored the usual political, military and diplomatic questions which arose between 1865 and 1878. The index, for example, gives more entries under "Harvard University" than under "Grant, U. S." No entry appears for the purchase of Alaska and American intervention in Mexico, nor is there mention of such names as Andrew Johnson, Seward, Charles Sumner (although W. G. appears), Thaddeus Stevens and other stock characters. These worthies are replaced by Beecher, Susan B. Anthony, and Godkin, by Agriculture, Amusements, Education, Frontier and Indian Warfare, Humanitarianism, Inventions, Labor and Railroads. A long argument might be entered upon as to which group of entries is most important—ending, perhaps, with the conclusion that a complete historical account of these years would require both.

Professor Nevins, however, has attempted with success to fill a gap which has hitherto been noticeable by its emptiness. The usual political history of the post-war years has been too much dominated by reconstruction.

The format of the book is dignified, and not unattractive, the illustrations are diverting and chosen with a good deal of originality. The type is clear, and not lacking in beauty. In the main, the style is interesting and in good taste. The account of "the cattle country" (pp. 124-133), for example, is of distinctly superior grade. (In this connection it seems surprising that the author does not, in his authorities, mention the extraordinarily useful Nimmo report on *Range and Range Cattle Traffic*.) The chapter on "The Broadening of American Culture" (chap. ix) has a sureness and deftness of touch, especially where the author touches upon newspapers and magazines. That on "Humanitarian Striving" (chap. xii) is likewise excellent. Here and there a sentence requires attention because of awkwardness of structure (although such cases are happily not common). The following illustrates the point: "While the Central Pacific, carefully built and financed, flourished, the Union Pacific, wastefully built and recklessly financed, languished." (p. 62).

Among the many virtues of the book is the copious and varied array of foot-note references. These notations, gathered from an astonishing range of reading, will be of untold service to the scholar and writer in search of material, and to the serious student who is in search of diverting and unusual supplementary reading.

CHARLES R. LINGLEY

DARTMOUTH COLLEGE

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Private Law Sources and Analogies of International Law. By H. LAUTERPACHT. London, Longmans, Green and Company Ltd., 1927.—xxiv, 326 pp. $8.50.

One who has followed the recent diplomatic controversy between the United States and Mexico and has perused the published correspondence of both governments, has probably been struck by a fact which sounds the keynote of Dr. Lauterpacht's book. The United States-Mexican correspondence abounds in references to private law —eminent domain, subsoil rights, confiscation, police power, the civil law theory of donations—all treated as general principles with a certain international standing. Dr. Lauterpacht has demonstrated that this is no novel phenomenon in international affairs.

The volume in question is the fifth in the series entitled "Contributions to International Law and Diplomacy" which has already been distinguished by works by Satow, Garner, Oppenheim and Roxburgh. Dr. Lauterpacht has contributed a most worthy companion piece.

The first part of the book is general in nature and is largely an analysis of schools of thought with chief emphasis on the positivists. There follows an illuminating discussion of the subjects of sovereignty, prescription, servitudes, state succession, state responsibility, interest and the measure of damages, treaties, international leases and mandates, and rules of evidence and procedure—all in the light of the private law concepts which have affected them. One notes the preponderant influence of the Roman and civil as distinguished from the common law. The balance of the book is devoted to illustrating the foregoing by reference to a number of important international arbitrations. This analysis of arbitral decisions is convincing proof (which unfortunately seems still to be needed) that arbitration in international relations is a judicial function.

The reviewer would suggest one other valuable contribution which is implicit in the whole book, namely the demonstration that international law is essentially a branch of law and that for this reason the resort to private law analogies is both useful and proper. Such demonstration is perhaps more needed on this side of the Atlantic, but in all countries there are not lacking those who still ignorantly think of international law only in terms of certain war prohibitions which they believe are always broken, thus destroying the law. Such persons may well profit by noting with Dr. Lauterpacht how wide is the international legal field in relations which among individuals we

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would characterize under the headings "real property", "contracts", "torts", "inheritance" and so on.

Every reader of the volume under consideration must agree that private law concepts have been applied to the solution of international legal disputes. The reviewer agrees that this should be done. But one may well hesitate to go as far as the author when he says: "If the subject-matter is the same or analogous, then the rules to be applied must be the same or analogous, unless there is an express or customary provision to the contrary". This position is, however, somewhat modified by the statement that the author does not intend "to convey the suggestion that all parts of international law should be framed after the private law pattern. . . . No doubt, the facts of international life may have modified or rendered impossible the application of many a principle of private law." In fact, Dr. Lauterpacht comes down to the position that private law should be used only when the international relationship is "prima facie analogous to that obtaining between individuals" and when those relations must remain "ineffective" save for the application of a private law rule. In other words, private law is to be used to fill the gaps in international law. It seems to be open to question whether it is only private law concepts of universal acceptance, or contained in both common and civil law systems, which should be thus used. That a pure Roman law concept may be used is indicated by the position of the United States in the North Atlantic Coast Fisheries Arbitration when American counsel asserted: "that the Common Law rules of evidence have no validity in international disputes because 'the substructure of the whole international system is the Roman Law as developed and embodied in the codes of continental nations.'" But examples are not lacking of American and British resort to purely common law ideas.

There are details in the book with which the reviewer would take issue, but in the main, Dr. Lauterpacht has ably developed a useful and instructive theme. Anyone interested in international law will find the book well worth the reading.

PHILIP C. JESSUP

COLUMBIA UNIVERSITY

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The Idea of Social Justice. By CHARLES W. PIPKIN. New York, The Macmillan Company, 1927.—xvii, 595 pp. $3.50.

This story of legislation and administration and of the labor movement in England and France between 1900 and 1926, to which Professor W. G. S. Adams, of Oxford, writes an introduction, is, by virtue of its design, an important book. Despite a title which promises one more disquisition on abstract political theory, albeit we render thanks for the emphasis on the social nature of justice, we are in fact presented with a careful study of social legislation, direct and derivative, during the last quarter of a century, put against its political background in England and France. We have long needed a compendious survey of this movement, which is the most characteristic in the province of law in our century, especially on its social side in the regulation and amelioration of life as distinct from its economic side in the regulation of livelihood. We require a series of monographs on the various fields of social legislation treated comparatively. We have an abundance of controversial literature, Blue Books, isolated studies and a few great works, such as that of the Webbs, on the more industrial aspects of the movement and on poor law. But we have nothing magistral in the nature of a survey of the field such as we have been treated to by Lord Bryce, President A. Lawrence Lowell, Pollock, Maitland and others in constitutional law. Pioneer attempts are to be welcomed, as Professor Adams says, and we can only trust that Professor Pipkin will attempt something of the same kind for the federal law and for the laws of the states of the Union, which are of even more interest in Anglo-Saxon countries than the experience of France with its dissimilar tradition.

It is in no sense a depreciation of what Professor Pipkin tells us is "a beginning", to express the hope that it is Professor Pipkin who will himself supersede this book by further researches in the field. At present the study attempts too much and thereby deadens, by excess of material, the effect of that which is attempted. Moreover, even in the specific province of social legislation, it is often difficult to detect the wood for the trees. Speeches of only ephemeral importance are quoted at length, secondary authorities are cited, and an arrangement of sections and chapters strange and peculiar adopted, with the result that our recognition is impeded of any historical panorama or line of political evolution. On the other hand, references to particular topics of legislation are too inadequate and arranged in too desultory and often allusive a fashion for this to prove

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a convenient book of reference and summary. This indefinite effect is heightened by such sentences as "This is certainly one of the most worth while results of experiments in industrial legislation, what Jevons called a matter of practical work, creating human institutions", or the reference "Sir Leo Chiozza Money, *The Triumph of Nationalization* (1920), the war proved it he says"; etc. At last we are getting the ore for which we have, how earnestly, looked; the mine shafts have been truly sunk; but what emerges from the crucible is something which Professor Pipkin will doubtless before long recast into a more convenient form. We cannot feel quite happy about such a summary of the changes in the English Poor Relief as that "it means that the state is determined to aid in bringing on the good society in every way that it can. The moral earnestness of the social effort is today a tremendous factor in laying the foundations of a new order in which the purposive will of the state can interpret its intent that conditions of life shall be good". Having got our materials, we need a treatment more concise and a review more incisive. But anyone who has worked in the heavy clay of this field will recognize that it is far easier for the critic to set up his requirements than for the author to fulfil them, and will give Professor Pipkin the least of what is due to him by remarking in this book an important and scholarly achievement in a field where the laborers have hitherto been too few.

G. E. G. CATLIN

CORNELL UNIVERSITY

The Industry and Trade of Japan. By S. UYEHARA. London, P. S. King and Sons, 1926.—xv, 326 pp. 15*s*.

This comprehensive and systematic study of the development of Japanese trade and industry from the Restoration in 1868 to 1924 is illustrated and supported by a wealth of statistical data drawn from official and other authoritative sources. The expansion of exports from 15,000,000 yen in 1868 to 1,807,233,000 yen in 1924 and of imports from 10,000,000 yen to 2,453,390,000 yen in the same period reveals the remarkable response of the nation to reentrance into the world's commercial activities despite the rise in prices to an index figure of 459 in 1923 as compared with 100 in 1873. The national reaction to the introduction of the industrial revolution is indicated by the growth of paid-up capital in business corporations from 25,000,000 yen in 1877 to 897,000,000 in 1902 and 8,989,000,000 in 1922.

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The three foreign wars in which Japan has been engaged in the period—the Chino-Japanese of 1894-95, the Russo-Japanese of 1904-05, and the World War of 1914-18—have all profoundly affected the nation's economic development. Each war has witnessed unusual expansion of industry which has been followed promptly by acute depression, succeeded in turn by resumption of steady development. In the last case, however, the renewal of normal progress was sharply interrupted by the disastrous earthquake of 1923. The Russo-Japanese War did not materially affect the nation's commerce, but the other two war periods produced significant changes. The quinquennium 1894-98, which included the Chino-Japanese War, showed an increase of 70 per cent in exports and 148 per cent in imports as contrasted with the preceding five-year period. This situation was reversed in the 1914-18 quinquennium, when exports increased 142 per cent while the growth in imports was only 68 per cent. The dissimilar developments in trade in the two periods both indicated expansion in the nation's manufactures. In the first instance, there was extensive importation of machinery and construction materials and raw materials. The period of the World War, on the other hand, afforded an extraordinary opportunity to exploit the country's recently developed resources and industrial plant. In more ways than the author indicates, Japan's economic expansion during the World War was of the mushroom type and produced reactions from which the nation had to learn some painful but valuable lessons. In any case the post-war depression was bound to be more severe in Japan than in the United States, but the failure of Japan to retain as full a proportion of advantage from the war-time readjustments was due, in considerable measure, to avoidable conditions.

The agricultural development of Japan is limited by the small tillable area so that with increasing population there must be corresponding growth in importations of food products. Similarly, the nation is handicapped by limited mineral resources, notably of coal and iron, which are of prime importance for industrial development. The principal offset to this disadvantage lies in abundant water power for electrical development. The remarkable progress of Japan in commercial shipping has been achieved in spite of the excessive cost of shipbuilding, and it must continue under this handicap. The mainstay of the Japanese export trade is raw silk, which now amounts to 40 per cent of the nation's exports. Of this raw silk the United States is the chief purchaser, as it takes about 80 per cent of the

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total, which is equivalent to about 70 per cent of the American imports of the article.

Japan's principal success in manufacturing, especially with reference to the export trade, has been in cotton goods, particularly of the cheaper grades, but in the last few years the development of similar manufactures in China and India has deprived Japan of its best customers. Nevertheless, the author is convinced that the future prosperity of Japan must be sought in the development of manufacturing and believes that success must be found in developing ability to produce high-grade goods which can safely compete in the world's markets. Mr. Uyehara is frank in his recognition of the inferiority of Japanese labor up to the present time. He also considers Japanese labor high-priced in spite of the apparently low wages. Unfortunately, the labor conditions receive direct consideration only in a single brief chapter, which does little more than present some easily accessible statistics.

The author's prescription for his country's welfare is the abandonment of the protective policy in general and for food products in particular. He evidently believes that Japan has reached the point which Great Britain had when it repealed the Corn Laws, and that the ideas of the Manchester School are now those best applicable to Japanese needs. The advocacy of this thesis does not seem to color in any serious degree the presentation of data, though it may explain the emphasis on the capitalistic aspects of commerce and trade as compared with the slight attention to the problems of labor.

GEORGE MATTHEW DUTCHER
WESLEYAN UNIVERSITY

The Diplomatic and Commercial Relations of the United States and Chile, 1820-1914. By WILLIAM RODERICK SHERMAN. Boston, The Gorham Press, 1926.—224 pp.

One of the beneficial results of the recent revival of the Tacna-Arica controversy between Peru and Chile is the interest which it has caused in the relations of the United States with these countries, especially with Chile. As the first published manifestation of this interest Dr. Sherman's little book will probably receive more attention than those that follow. Likewise it will receive more careful criticism, mostly adverse.

In the first place, the title of the book is a misnomer. Only about six pages, with a few scattered comments and a one-page con-

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clusion, are given to the commercial relations between the United States and Chile.

Secondly, in his treatment of diplomatic relations Dr. Sherman has failed to stress the important and has given too much space to the relatively insignificant. Nearly half the book (93 pp.) is devoted to the first three chapters: "The Revolutionary Period", "The Early Period, 1824-1844", and "The Period of Strained Relations, 1844-60". The first chapter, which covers the more interesting part, contains only ten pages while 81 pages are devoted to the prolonged efforts of the United States representatives to secure reparation for damage done to their nationals.

The impression that Dr. Sherman has misplaced his emphasis is strengthened by the fact that only 155 pages are given to the last four chapters: "The Period from the American Civil War to the Chilean-Peruvian War, 1861-79", "The Chilean-Peruvian War, 1879-84", "The Chilean Revolution of 1891", and "The Period from 1892 to the World War"; each of these chapters includes incidents fully as important as those treated in the 67-page third chapter. Furthermore, it is doubtful if the author adds very much to what has already been said by A. B. Hart, W. F. Johnson and G. H. Stuart, the first and third of whom are not mentioned in the bibliography.

Of these four chapters the most disappointing is that which deals with the Chilean Civil War of 1891. Dr. Sherman continues to blame Minister Egan for most of the trouble which arose between Chile and the United States without taking into account the fact that any American, whether of Irish ancestry or not, would have found himself at odds with the English in Chile, if like Egan, he had tried to aid Americans in their attempt to cut into the English monopoly of nitrate business, steamship traffic and cable communications. He accuses Egan of putting Balmaceda in a too friendly light, apparently ignorant of the attitude later held by many Chileans (*vide* W. A. Smith, *Temperate Chile,* London, 1899, p. 2). He also accepts at their face value the rather doubtful accusations made by John Trumbull regarding Minister Egan. His treatment of the Quinteros Bay episode, the *Itata* incident, the *Baltimore* attack and the Shields assault adds nothing to what was known, and his account of the Cable Affair is faulty, partly because of his confusion of Coquimbo with Iquique. The discussion of the right of asylum follows that of John Bassett Moore, but Dr. Sherman fails to point out clearly the impartiality of Egan's stand on the matter.

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In conclusion it may be said that Dr. Sherman's book violates most of the canons of historical scholarship. It is devoid of footnotes. Authorities are cited in the text very rarely. While the proofreading has been well done as far as the English words are concerned (with the exception of Hispannic, pp. 152, 224), the absence of either accents or tildes makes an unpleasant impression. The bibliography, although extensive, is without descriptive comment, shows inconsistency in form (place and date of publication seem to be inserted or left out at will), contains at least one error (L. Trumbull, p. 224, should read J. Trumbull), and has serious lacunae. Among the many unmentioned books are those of W. S. Robertson. An appendix, which contains the names of the ministers of the two countries, will be found more useful than the incomplete commercial tables.

OSGOOD HARDY

OCCIDENTAL COLLEGE, LOS ANGELES, CAL.

The Legacy of the Middle Ages. Edited by C. G. CRUMP and E. F. JACOB. Oxford, Clarendon Press, 1926.—xii, 549 pp. $3.50.

This is a very useful book, but a difficult one to review. "The chapters fall into three divisions. The first five deal with the things of the mind and the spirit": the Christian life, art, literature, philosophy, education. "In the centre and heart of the book come three upon law, the most fundamental and characteristic of medieval bequests; the remainder are concerned with the fabric of society and government": position of women, economic activity of towns, royal power and administration, political thought. The editors state that science has been left to a succeeding volume; from their words it is not clear whether other neglected subjects will be included.

Seventeen authors of various nationalities, all competent scholars, have contributed and naturally have differed in their methods of solving their problem. Possibly we can gather from the introduction how the editors stated the problem to the contributors: there is "need to know what the Middle Ages were and what was the legacy they left behind". Each author was allowed, on the average, about ten thousand words for the discussion of his subject. Some stressed the first part of the instructions, knowledge of medieval conditions, laying little emphasis on the legacy; on the whole these

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were the most successful. Others dwelt mainly on the legacy or contribution to later times. Some discussed only a few topics in order to treat these more fully, as did Sir Paul Vinogradoff in his treatment of customary law which is excellent and illustrates again the profound knowledge of the master. Others felt it necessary to introduce many subjects and these sections are more difficult to read. The chapters on architecture, sculpture, and the decorative and industrial arts have beautiful illustrations and the admirable section on handwriting by Lowe has sixteen well-selected facsimiles.

There is no unanimity of opinion among the authors as to the public for whom they are writing. Miss Powers has, as she is wont to do, written delightfully about the position of women and has made her valuable chapter easy even for the "general reader". She is exceptional in this respect.

It is impossible to discuss all the contributions and do justice to them in a brief review; selection is imperative. The introduction by Crump is interesting because of his method of approaching the subject. "To understand the Middle Ages . . . we must begin with one important fact; the source of the food on which men lived." His thought is that the agricultural conditions determined the framework and slow progress of medieval society. He emphasizes the fact "that we are not so different from our ancestors as we believe". "The fields of France are still laid out on the old plan; an American fundamentalist is the spiritual descendant of St. Bernard, and every fresh shock to the industrial system of England produces a series of suggested remedies based upon medieval lines of thought." This point of view recurs frequently in the other essays; several of the authors are thinking of the practical lessons for today and emphasize the continuity of medieval and modern times. In some cases it is both easy and necessary, as in the excellent section on canon law by le Bras.

Johnson's chapter on royal power and administration suggests, as he says, many topics for research, and this is true of several other chapters, a feature which makes the book especially valuable for students. Harris' chapter on philosophy contains suggestive generalizations: "The great medieval thinkers were one and all of them theologians; as soon as this ceased to be the case the Renaissance may be said to have begun." His analysis of Erigena's system, to which he gives almost one-fifth of his space, is noteworthy. He is especially interested in Duns Scotus and possibly for this reason especially critical of Thomas Aquinas. Of all the

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chapters the most satisfactory, that is to the present reviewer, is Powicke's "The Christian Life." It is fresh, stimulating, thoughtful, and deserves to be read carefully and then re-read. Any attempt to summarize briefly its sympathetic grasp and fulness of content would be futile.

The editing is well done. The chapters supplement one another and each makes its own contributions to a unified whole. We hope the promised supplement will not be long delayed.

DANA C. MUNRO

PRINCETON UNIVERSITY

Social Aspects of the Business Cycle. By DOROTHY SWAINE THOMAS. New York, Alfred A. Knopf, Inc., 1927.—xv, 217 pp. $4.00.

The vast increase in both the quantity and the quality of the statistical output of most countries that has taken place in the last few decades and the concomitant improvement in the analytical methods that are used in organizing and describing the raw data, have led to fairly accurate quantitative descriptions of the changes that have taken place in business and social phenomena during the last three or four generations. This has made it possible for the student of the social aspects of the business cycle to discover in what spheres of social activity the business cycle shows its influence, and to *measure* the degree of this influence in each of the fields considered.

The first studies in this field, the results of which are all reviewed in the early pages of Miss Thomas' book, and especially the notable researches of Denis, Tugan-Baronowsky, Farr, Ogle, Hooker, and Yule, had established the fact that there was a correlation between changes in business conditions as reflected in various individual economic series, and changes in such social phenomena as births, deaths, marriages, divorces, and crimes. The next step was obviously to construct a consolidated index of business cycles and to correlate it with each of the more important social phenomena. This was done by Professor Ogburn and Miss Thomas, on the basis of American data, in a study published in the *Journal of the American Statistical Association* for September, 1922, under the title "The Influence of the Business Cycle on Certain Social Conditions." The present work by Miss Thomas parallels that study by the use of English data.

The series used by Miss Thomas to construct an index of the

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typical movement of British business cycles are: Exports of British Produce; Sauerbeck's Index Numbers, All Materials; Percentage Unemployed, All Trades; Production of Pig Iron; Production of Coal; Railway Freight Traffic Receipts; and Provincial Bank Clearings. Each series is adjusted for trend by computing for each year the percentage deviation of the original items from the line of secular trend, and (wherever quarterly data are used) for seasonal variation by the use of the "Harvard method". By expressing the "residuals" in terms of their standard deviation "cycles" are obtained, and the cycles are averaged to obtain a single index representing "British Business Cycles". The index covers the period from 1854 to 1913, although some of the component series begin in later years. This index is used as a standard with which to compare the "cycles" of the following social phenomena: marriages, births, deaths, pauperism, alcoholism, crime, and immigration.

Miss Thomas' results are for the most part what could have been expected on the basis of previous studies, but she has added some interesting discoveries and raised some puzzling questions.

Though marriage rates are highly correlated with business conditions, increasing almost invariably with increasing prosperity and decreasing as depression in business sets in, the correlation has lessened in recent years, presumably because of the use of contraceptives. The somewhat greater correlation between marriages and business conditions in the United States is attributed to the greater severity of business depressions in the United States, the relatively bad conditions of the unskilled worker, and the failure to provide suitable means of alleviating unemployment. The restriction of the marriage rate in times of depression would be thought to produce grave social effects, but the arrests for prostitution in England and Wales tend to increase with prosperity and decrease with depression—a surprising result. This, however, is believed to be due to the greater use of alcohol in periods of prosperity.

Divorce, which shows no connection with the business cycle in England, is highly correlated with business fluctuations in the United States. In the United States divorce seems to be "a luxury for which the demand is elastic, and which tends only to be purchased when the income is sufficient".

Birth rates show moderately high correlation with the business cycle both in England and the United States. The greatest number of births occurs in the United States approximately one year after the peak of prosperity, and in England the lag is approximately two years,

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The illegitimate birth rate in England usually moves in the opposite direction from business conditions.

Quite contrary to expectation are the apparent direct correlations of both the general death rate and the infant death rate with the rise and fall in business prosperity. (To obtain a positive coefficient of correlation which is significant with respect to its standard deviation, Miss Thomas finds it necessary, however, to "lag" the death rates behind the index of business cycles by one or two years; there is no significant correlation when the death rates are correlated with the index of business cycles for synchronous years.) Regarding the direct correlation between the general death rate and business cycles the author remarks that the many and diverse factors which influence the death rate may possibly effect the correlation. It is more difficult, however, to explain the positive correlation between the infant death rate and business cycles in view of the studies of Dr. Robert N. Woodbury (*Causal Factors in Infant Mortality,* Children's Bureau Publication No. 142) which show that a marked increase in infant mortality is associated with a decrease in the wages of the father. Miss Thomas' explanation of the direct correlation is that it may be due to the increased employment of mothers in times of prosperity, leading to an increase in bottle feeding and infant neglect, to the increase in births resulting from an increase in marriages, and to the increased consumption of alcohol. This explanation will not be accepted by many authorities. It is certain that more investigations will be required to clarify this matter.

Miss Thomas has made a valuable contribution to our understanding of a social phenomenon. With a clear realization of its limitations, she has applied the statistical method to an interesting problem and has obtained results which ought to be of value to social theorists. In her own words:

> The inter-relation of these social phenomena and their response to economic forces raises the question for social theorists as to the part played by group influences upon individual actions. It takes away the emphasis from the individual in many cases, and shifts it towards the group. It brings to light tendencies of importance for the social reformer. It emphasizes the need of bringing about greater economic stability. But, above all, it points strongly to the need of further research into the causes and further analysis of the phases of the business cycle.

HENRY SCHULTZ

UNIVERSITY OF CHICAGO

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Christianity and the French Revolution. By A. AULARD. Translated by LADY FRAZER. Boston, Little, Brown and Company, 1927.—164 pp. $3.00.

Whether or not history is, as Freeman would have it, past politics, there can be no doubt that the history of the French Revolution is present politics. The work of M. Aulard, certainly the leading official historian of the Revolution, is quite as important for the student of politics as for the historian. In writing the history of the First Republic, M. Aulard has written the political theory, the political psychology, almost the political science of the Third. The great work of his maturity, *The French Revolution: A Political History,* has long been available in English; the present rather slight essay records a change in the master's convictions on a very important point, and, for the rest, will afford the student almost as well as the longer work a sample of his politics. It was originally published in 1925 as part of a popular series on Christianity, and appeared in translation at Moscow somewhat earlier than at Boston.

The immediate purpose of the book is to give a summary of the relations between the revolutionary governments and the religious groups, Roman Catholic, Constitutional, Protestant, Jewish and *patriote,* which had assumed organized corporate life once the legal uniformity of the *ancien régime* had been broken. As a manual of the religious history of the Revolution it is excellent, brief and clear. The newer historian may find it too exclusively political, too much devoted to an analysis of parliamentary legislation; and its account of the *cultes révolutionnaires* is rather sketchy. But M. Aulard has devoted a book and numerous articles to the *cultes révolutionnaires,* and he has always written political history with the conviction that such history is perfectly legitimate. The book does, however, contain a new thesis, which certain critics may find out of place in a popular work, and which even M. Aulard's friends would like to see developed at greater length, and with the customary apparatus of historical proof. In his earlier work, M. Aulard had expressed the opinion that the attempt carried out all through the Revolution, and especially during the Terror, to destroy the Christian religion in France and substitute a *culte de la patrie,* was destined from the start to failure, and that Christianity as embodied in the Roman Catholic Church was too firmly established in the traditions of the French people to be uprooted. He now concludes that Christianity was seriously endangered, and that the attempt to eradicate it was almost successful.

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The middle classes were thoroughly imbued with eighteenth-century rationalism, and the peasants, whom historians have hitherto regarded as habitual Catholics, were really only superficially Christians. Their religion was a mixture of personal loyalty to their priests and of old, pre-Christian superstitions. Except for Brittany and La Vendée, the peasants witnessed with amazing indifference the persecution of the Church. M. Aulard brings forward in support of these statements his own wide reading and long reflection and the special studies of M. l'Abbé Giraud and of M. Testut for the department of the Sarthe and for the town of Beaumont-du-Perigord.

This conclusion is at variance not only with accepted, but with advanced, opinion. M. Mathiez and his pupils have shown in detail the obstinate resistance of the provinces to anti-Christian measures, such as the substitution of *décadi* for Sunday; and it is difficult to believe that the universal fear of *le fanatisme* so evident in the proceedings of Jacobin clubs in all parts of France could have been caused by an enemy of no real strength, all but ready to abandon the struggle. M. Aulard does not even consider the influence of women, which was almost wholly on the side of the Church and which foreigners at least have always been taught to consider important in France. Moreover, there remains the obvious fact that as the Revolution went on and the opponents of Christianity came to be more and more identified with supporters of economic equality, the upper classes took refuge in the Church with a sincerity not unstrengthened by fear. Had M. Aulard contented himself with the statement that Christianity in France, as elsewhere in Europe, was profoundly affected by the Revolution, there would be no questioning him. Indeed, to one whose most important political experience has been the late war, it would seem that the *culte de la patrie*—better known now as nationalism—had succeeded very well in adapting Christianity to itself. But that the immemorial institution of the Roman Catholic Church should have undergone in 1794 the danger of complete destruction—or even of the comparative destruction undergone by official paganism in the last centuries of the Roman Empire—is difficult of belief. It is to be hoped that M. Aulard will, in the leisure of his retirement, write a longer and more convincing book in support of his thesis.

The interest of the present work for the American reader, however, lies less in its conclusions than in the opportunity it gives to study the mind of a French Republican of the old school. It is impossible here to do more than indicate the beginnings of such an

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analysis, than provide a brief table of contents of the political mind of M. Aulard: certain phrases, such as *Liberté, Egalité, Fraternité,* which have less a precise meaning than the power to evoke, as do poetry and music, pleasant emotions; a conviction that political action is determined, if not always by purely disinterested motives, at least by such words and such emotions rather than by economic motives, and that hence the study of politics is the study of the words and official deeds of politicians; an unceasing hatred of the Roman Catholic Church; a faith in the unlimited possibilities of popular education inspired by republican ideals—and republican teachers; finally, a mixture of ethics, metaphysics and religion, derived mostly from eighteenth-century sources and sifted through Comte and Mill. Only to a mind so constituted, to a political consciousness aware of the *Seize Mai,* Boulanger and Dreyfus as realities, could the following passage, for instance, be more than words: "There is no true country save where all are free, equal and brethren, where the people is self-governing and forms one family among other families of nations. That is revolutionary patriotism . . . a sort of religion, better and more living than the old" (p. 64). The mind of M. Aulard is worth trying to fathom. For the history of the Third Republic is at first sight a paradox—that of a régime which had aligned against it fashion, literature, art, taste and even inherited wealth, and which yet persisted and imposed itself. Perhaps the solution of the paradox lies partly in M. Aulard, and in his pupils, who faithfully taught the history and the legend of the Revolution in Pamiers, in Vesoul or in St.-Jean-de-Losne.

CRANE BRINTON

HARVARD UNIVERSITY

Karl Marx's Interpretation of History. By MANDELL MORTON BOBER. Cambridge, Harvard University Press, 1927.—x, 369 pp. $3.50.

It would be a great help if the philosophers and economists who interpret history without writing it would begin by telling us what they mean by history. This suggestion might be extended to critics of previous attempts. Dr. Bober has done a magnificent job of arranging the social philosophy of Marx and Engels around their materialistic conception of history. He has come very near to packing the whole substance of their doctrine, spread in the original over more thousands of pages than anybody but a specialist has time to

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read, into a single volume of moderate size. Besides this compact and well-written summary, there is a running fire of criticism, followed at the end by five admirably-thought-out chapters of appraisal. The documentation is full and explicit, as a guide to an intricate controversial literature needs to be. Only the works consulted are found in the bibliography, which is excellent; and the absence of several familiar titles is explained by the basis of selection. Finally, there is an adequate index.

The criticism that the author never formulates his doubts concerning the Marxian conception of history into a clear-cut definition of his own, and often seems nearer to Marx than to contemporary historians in his idea of the legitimate subject matter, must not be permitted to cloud the merits of a good book. Only a trained economist could have treated some of the controversial points with so much insight. For example, what did Marx include in technique—what relative importance did he ascribe to the instruments of labor and to other factors such as skill and organization? What are the relations of exchange and consumption to the "mode of production"? In deriving his idea of surplus value, did Marx regard labor as the source of all wealth? The answer being in the negative, just how did he join nature and labor in his system? Space is wanting here to summarize the whole center of Professor Bober's book, itself a rather compact summary of the treatment by Marx and Engels of what they regarded as the historical process.

There seems to be a rather sharp difference of opinion between trained and experienced historical investigators on the one hand and philosophers, sociologists and other "social scientists" on the other, as to the subject matter of history. Almost uniformly, historians take the practical view that it is a body of knowledge, represented by certain fragmentary records and vestiges technically known as sources and documents. Philosopher Marx regarded history as the events and changes themselves: known and unknown, adequately or inadequately recorded (and correctly or incorrectly, one might add)—even including the present and future as well as the past. Assuming that he had some hold on this vast and nebulous agglomeration, he attempted synthesis — orderly arrangement — so that the reasons, the "causes and effects", might be apparent. Economist Marx strung together some of the particular type of events which interested him most into a sort of chain or trend-line, called this the *Unterbau* or foundation of institutions, and proceeded to survey it into the future.

Professor Bober strenuously objects to the Marxian foundation, as

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inadequate to bear the load for which it was designed, but falls into the common confusion of failing to distinguish between a conception of history, which implies a definition, and an interpretation of history as thus conceived. On the very first page of chapter one occurs this logically and grammatically curious statement: "The conception of history is known in the Old World as the materialistic, but in America as the economic, interpretation of history." Both expressions are used in Europe, but they do not mean the same thing. For example, see the title-page of a recent book by Professor Henri Sée: *Matérialisme historique, et interprétation économique de l'histoire* (Paris, 1927, 136 pp.). Sée points out (pp. 114 *et seq.*) that many historians have accepted an economic interpretation, as he does himself (p. 120), but not the Marxian materialistic conception or rigid economic determinism. Not all of the economic interpreters, in Europe or America, have subscribed to Marx's doctrine of historical materialism: for example, Thorold Rogers in England and Charles A. Beard in the United States.

It is fortunate, on the whole, that Dr. Bober has come so near to meeting Marx on his own ground. The "history" in the Marxian materialistic conception is mainly what historians regard as the philosophy of history, which has been more or less replaced in our generation by historical sociology. The philosophy of history was long discredited as a separate subject, and driven into the hands of popularizers, because of the excesses of people with no great knowledge of the technique. That a revival is taking place is attested by the appearance of such books as Professor Sée's *Science et philosophie de l'histoire* (Paris, 1928). Because Professor Bober followed his training and impulses as an economist, he has been able to write a very fine critical analysis of Marx, much of which would have been eliminated by trying to hold the philosopher-economist to the historian's conception of history. The economics in the book will not hurt the historians, and the philosophy is very much in line with what they think already. Some of them will regret the exclusion of things which one of their own profession would have put in (but this would have brought the work into competition with that of Professor Sée, whereas the two supplement each other admirably as it is). For example, in the preface, Professor Bober warns us that he is going to treat Marx and Engels as "one personality," which will not satisfy an historian. Likewise, the author goes on to state that he is not greatly concerned with "whatever ideas on the subject the two writers entertained prior to 1847, for their conception of history began to

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mature only after that date." On the contrary, nothing is clearer in the Communist Manifesto of that year than the conception of history, and the essentials of it have been traced back considerably earlier, by Woltmann, for example. It was the interpretation which was elaborated later. Chapter three of Professor Bober's work is a remarkably clear six-page summary of the Marxian dialectic. An historian would have paid more attention to the historical setting: the Hegelian background, the innovations of Marx, and how he appears to have arrived at them. None of these remarks in any way qualifies the reviewer's judgment that this is a first-class and timely book which no student of Marxism or of the economic interpretation of history can afford to miss.

M. M. KNIGHT

PARIS

The Monroe Doctrine, 1823-1826. By DEXTER PERKINS. Cambridge, Harvard University Press, 1927.—xi, 280 pp. $3.50.

The volume now under review is a good illustration of how modern historical scholarship, even when applied to old and much discussed subjects, may yield illuminating and significant results. It deals with the origin, authorship, and contents of the Monroe Doctrine, the intentions of Europe with regard to Spanish America in 1823, the contemporary reception of the message and its aftermath in the Old World and in the New. The author has examined not only the newspapers of the leading countries but many other published sources as well as the national archives of the United States, Spain, France, England, Austria, Russia, and Prussia. The archives of the Latin-American countries have not been examined, a few of their published sources have been overlooked, and Manning's recent monumental publication of documents relating to the independence of the Latin-American nations has not been used; but otherwise Professor Perkins' investigations appear to have been exhaustive. Nor is it likely that the sources which have been neglected would yield important results or necessitate any considerable change of view. In short, the author has done a careful piece of research and written a very good book.

Its most important conclusions are worth noting here. (1) The content of the Monroe Doctrine is as much the work of Monroe as of Adams and, strictly speaking, it was not the exclusive work of either or both, but rather an idea taken from the intellectual atmos-

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phere of the time and given formal expression by the statesmen who were in a position to do so. (2) Its promulgation did not involve great risk or exert, immediately, any very appreciable influence. The powers of continental Europe did not contemplate giving, nor would they have been able to give, Spain armed assistance in recovering its American colonies. (3) And yet "the message was of high historic import," for it placed the influence of the United States on the side of non-intervention, it constituted an important application of the method of "open diplomacy," and it profoundly affected American foreign policy in the years to come.

The work is not without minor defects. There are several misprints, the index is inadequate, and more important is the failure of the author adequately to appreciate the economic and maritime aspects of the subject. He points out the influence of commercial considerations upon the policies of France and England, it is true; but he discounts the influence of this factor upon the policy of the United States, and he fails almost entirely to realize, what seems to have been the case, that between the United States and England the diplomacy of this period represents a continuation of the maritime struggle which began about 1793, led to the War of 1812, and was left unsettled by the Peace of Ghent. Between these two Powers, during the period which Professor Perkins treats, there was a contest to commit the new nations of America to the maritime principles of the one power or the other and the result of the encounter is written in the commercial treaties which the United States and Great Britain negotiated with these new states. But, after all, this is perhaps only an unimportant phase of the main subject and the conspicuous merits of the volume make one feel as if these small defects should not be mentioned without apology.

J. Fred Rippy

Duke University

New Tactics in Social Conflict—A Symposium. Edited by Harry W. Laidler and Norman Thomas. New York, Vanguard Press, 1926.—x, 230 pp. $0.50.

This unusually informing and thought-provoking little book is the result of a symposium held under the auspices of the League for Industrial Democracy in which such subjects as labor banking, company unionism, economic imperialism, and other related topics were discussed by students of and participants in the labor

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movement. The facts and points of view presented serve admirably to emphasize changes that are taking place both in the trade unions and in the labor policies of corporations.

Everyone knows that one of the significant developments of recent years is the entrance of trade unions into the banking field. J. S. Potofsky, Vice President of the Amalgamated Bank, New York, defends this movement with enthusiasm. The labor banks are beating the loan sharks by lending small sums of money to wage earners at reasonable rates of interest. They are making it possible through their investment trusts for small sums to be invested safely and profitably. They are educating the workers and preparing them for a share in the control of business. They are financing enterprises of value to the worker, such as homebuilding. They are creating for the unions a new position in the community, which commands the respect of the business world. Instead of making the union capitalistic and ineffective as a means of carrying on a struggle with the capitalist class, they are tending to increase the confidence of the union members, and, on the other hand, they are leading employers to hesitate about combating the union too impulsively. "We must be careful—they have a bank!"

Others bitterly attacked this viewpoint. President Maurer of the Pennsylvania State Federation of Labor called attention to the dilemma confronting the labor leader who is at the same time a banker. "Suppose we had a bank and had our money invested in these various institutions. As president of the bank I do not want a strike, I want peace, and I put the soft pedal on whenever I can if they are going to have industrial disputes. As a banker I want peace and order; as a labor leader I want a fighting organization." However, the majority opinion seemed to be that the labor banking movement would not impair the militancy of the unions.

Equally vigorous was the discussion of employee representation or company unionism. Robert W. Dunn, journalist, author, and student of industrial conditions, condemned the company unions as tending to head off something genuine in the way of democratic organization. He cited instances of reactionary managements which have strengthened their control by the organization of company unions, and he denied that they have any effect in strengthening the bargaining power of employees.

Mr. Ordway Tead of the New York School of Social Work gave expression to a somewhat different point of view. His paper will

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well repay study as a sincere effort to get beneath surface indications. In particular, he scouted the conspiracy idea with respect to this development. He pointed out that many employee representation plans have developed in plants where the trade unions have made no effort to organize and that here, at any rate, such a movement might be regarded as at least a mild step forward. Perhaps the most important thing in Mr. Tead's paper is his reiterated statement that the attainment of democracy in industry as elsewhere is an educational process which will be increasingly promoted as the workers obtain new opportunities for dealing directly with problems of management. Through labor banking, through trade unionism, and through employee representation, these opportunities are afforded.

JOHN A. FITCH

NEW YORK CITY

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BOOK NOTES

A book on economics which has achieved a popular audience—*Your Money's Worth* (New York, The Macmillan Company, 1927; viii, 285 pp. $2.00) by Stuart Chase and F. J. Schlink—is an occurrence sufficiently rare to merit an examination not unmixed with a puzzled curiosity. The authors intended a "study in the waste of the consumer's dollar." Their inquiry is: Does the consumer get a sufficient return for what he pays? Their answer is an emphatic and repeated negative, couched in terms of an attack upon advertising, high-pressure salesmanship, quackery, misrepresentation, adulteration. Their appeal is to the movement for standardization of products and to voluntary testing of products by organizations of consumers. This then is of the class of books which are, in Bacon's phrasing, "most current for that they come home to men's business and bosoms." The theme—"we are all Alices in a Wonderland of conflicting claims, bright promises, fancy packages, soaring words, and almost impenetrable ignorance"—is not especially novel in these acid days; but it is developed with an exemplary particularity of detail and multiplicity of instances. This fact, while it suggests that members of ladies' clubs have bought the book because it is of the stuff of their daily experience, makes it of chief value to teachers of economics as a source book or as a stimulant to introductory classes in marketing. To those who are interested in the passing show of ideas the book will perhaps indicate that the phase of the American revolt against classical economics which Veblen started has now reached its most diluted stage—that of popularization; and that one of the assumptions upon which classical value theory rested — full knowledge of the market—is so unreal as to be no longer tenable even as a deliberate assumption. Those, however, who still cling to an archaic conviction that even a best-seller cannot enjoy an indulgence against the need for some sort of intellectual austerity, will find much in this book to make them sad. In keeping with the strident and strenuous tone of the writing is a lack of subtlety in some of the more important hypotheses on which the whole fabric of the argument rests. The authors go no farther in their analysis than to set forth that for many of the products which we buy in fancy packages from clerks behind glittering show-cases we pay a hundred or a

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thousand times what it would cost us to produce them in quantity in our own homes. It is to be deplored that the analysis stops there. It is possible that in addition to "soapiness" and "face-creaminess" we are purchasing values even less measurable and less substantial, certainly less reproducible in a domestic economy: freedom from the burden of making things ourselves or of exercising judgment in their choice, the convenience of small quantity, the feeling of well-being in stepping up briskly to a counter and ordering from a smart clerk, the feeling of success in being able to buy what others are buying, the feeling of participation in the success of some new brand, the feeling of being the man or woman whom we have seen on large advertising-signs. In the context of our present American scene these values, to which the authors seem insensitive, are as purchasable and perhaps as necessary as "soapiness" and "face-creaminess" or any other function of chemical composition. Finally, one is tempted to ask, why the whole pother? The consumers of some goods are themselves producers or marketers of others. There are relatively few who are not at some point caught up in the mesh of salesmanship as a means to their livelihood. And if it is true that the "consumer's dollar," the waste of which the authors deplore, is one which has been itself acquired in activities of advertising, salesmanship, and perhaps quackery, very similar to those in which it is spent, we are left with the consoling reflection that in the process of cheating cheaters the duplicities tend to cancel out.—MAX LERNER.

The author of a little volume on *Economics and Human Behavior* (New York, W. W. Norton and Company, 1927; 95 pp. $1.00), Mr. P. Sargart Florence, has packed into remarkably small compass an impression of the salient points in the recent and current conflict between the deductive, marginal utility economics and various trends of modern psychology. While no such brief essay could give a full bill of particulars, the author is as specific as his limits of space permit. He probably fails to do himself full justice in one respect, in that the chapter on "Reorganization and Reform" deals mostly with terminological matters and starts with some which are hardly new and have gained fairly wide acceptance among recent writers. His proposed treatment of supply is worthy of more extended development and probably needs it in order to impress the reader with its full purport. His main thesis, however, is the advocacy of inductive study of economic behavior. He notes in telling fashion that psychology not only has not given us any body of truths which can be the basis of a new deductive system, but that if we tried to make such

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a use of its offerings we should be worse off than before. And he states that "theories, such as those of orthodox economics, if formulated in statistically measurable terms and steered clear of ethical implications, are perhaps the most plausible working hypotheses with which to start interpreting the measured facts." He also remarks that "Economics has probably more to learn from such sciences of social behavior as Anthropology, Constitutional History, Comparative Politics, and Administrative Theory, than it has from any social psychology of instincts."

As long as the lectures on the Sir George Watson foundation are delivered by men of the scholarship and point of view of Professor C. H. Van Tyne, their purpose of interpreting American history and institutions to Englishmen will be satisfactorily fulfilled. The fruit of Professor Van Tyne's tenure, gathered into *England and America, Rivals in the American Revolution* (New York, The Macmillan Company, 1927; xi, 190 pp. $2.50), will neither hinder the growth of friendly relations nor detract from the author's scholarly reputation. In these lectures Professor Van Tyne has treated generally the struggle for truth about the Revolution, the merchants, the problem of the episcopate, the lawyers, the soldiers, and the diplomats. Concerning none of these aspects has he anything new to say. But if we remember that his lectures were delivered to groups who have cared little about understanding American history and thus have but a scanty foundation, we can be charitable. The first lecture on the struggle for truth says some things that are worth restating in the present hurly-burly about patriots on or off their pedestals. Yet a comparison of American patriotism of 1918 with that of 1776 should hardly be all in favor of the former. A footnote on the gullibility of 1918 might be interjected along with compliments to its purity. As to the lawyers, while it is true that graduates of the Middle Temple were somewhat loath to argue on the basis of natural law, when no other argument availed they shouted this as loudly as their home-grown brethren. And if Blackstone talked of the supremacy of Parliament he also said much concerning the immutable laws of nature. These interpretations, however, are of no great consequence, nor are such little slips as those which make Dulany a Virginian and Yorktown merely a military victory, neglecting the naval side. In the main the lectures summarize the most recent research in an extremely lucid and readable form.—C. F. MULLETT.

The eminence of M. Léon Duguit and the provocative, if not altogether acceptable, views advanced and developed in his various works

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and editions assure to a new work of this author keen interest and anticipation on the part of students of politics and jurisprudence. His recent *Leçons de droit public général* (Paris, E. Boccard, 1926; 340 pp.), however, is scarcely to be regarded as new. It is a collection of fifteen lectures delivered in 1926 at the *Faculté de droit* of the University of Egypt. The occasion of these lectures is of more interest than their content. In a definite sense, the most interesting part of the work is the preface. In it there are to be found a simple narrative of the organization of the new University of Egypt, more especially of the Faculty of Law, and an account of the offer made to M. Duguit to become Dean, of his inability to quit his post at Bordeaux, and of his consequent deanship of three months in Egypt. In the same preface, the reader is forewarned of that which a perusal of the book makes abundantly clear, that no new and original views are contained therein which cannot be found in the *Traité*. Thus, Egyptian students and other auditors were instructed in a doctrine *positive et réaliste*. They were warned against "sovereignty", *droits subjectifs*, and other things "metaphysical". In their stead were offered "pragmatic" phenomena such as *solidarité sociale, devoir, règle de droit, réaction sociale*, and others well known to the student who has concerned himself with the writings of the *doyen* of the so-called pluralists. M. Duguit in his lectures introduced one of his assertions of authority with the remark that he had been "doing law" for about fifty years. It is interesting to speculate what would have been the result if during this period he had given an equal number of days to silent reflection concerning the difference between an illimitable idea and an idea of the illimitable and concerning the momentous problem of which existed first, a duck or a duck-egg. Possibly "sovereignty" would appear to him less formidable, and the difficulty might seem less in viewing the state as the source of law when law is itself the source of the state.—R. K. Gooch.

Forms of Individuality (Indianapolis, Charles W. Laut and Company, 1927; ix, 469 pp. $3.75) by E. Jordan is a puzzling and remarkable book. Essentially it is a sweeping criticism of current sociological thought, based on a metaphysical theory of what the author calls "individuality". It is strongly influenced by the Hegelian mode of philosophy, but it outhegels Hegel in its drastic and all-embracing affirmations and denials. Our social thinking, according to the author, is riddled with a false and fatal subjectivity and individualism. The individual person is merely a locus, a point, within a certain system of reality. His meaning lies outside himself, in the

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reference to the whole. The whole, the universal, is the real, and gives to the individual whatever degree of reality he possesses. It is quite wrong to think of mind as something within the individual. Mind itself is objective. It is the "constitutional" "law of reality". The real mind is the mind of the whole; the real will is the "general will". All our current sciences, from biology to politics, go profoundly wrong because they fail to understand these things, because they are atomistic and mechanical. "And they are such just because they all rest upon the assumption of distinctness between mind and its object, man and his purpose, life and its objective institutionalization, in general between end and means" (p. 225). From this standpoint there is scarcely a current conception which our author does not characterize as futile or worthless. It would be out of place here to attempt a critical review of the standpoint of the author, since that would involve a philosophical disquisition. What seems to the reviewer its essential error has often been pointed out by the critics of the Hegelian school, that it turns reality into the abstractions of logic. To Professor Jordan organism is a kind of *law,* life is embodied *order,* and the reality of mind is *institution.* Facts such as consciousness seem unimportant. Property is definitely spoken of as being a personality, and "will is often obvious and important where 'persons' are of little consequence." After such statements we are not surprised to find that the corporation belongs to the same order of reality as the natural person, except that it is higher in the scale. We are even prepared to learn that property, as distinct from personal possessors, "can be punished, in fact can in perhaps all the fundamental juridical relations qualify for full personal competency." To some minds such formulations appear profound and satisfying, to others curiously hollow, making of the stuff of reality "some spectral woof of impalpable abstractions, or unearthly ballet of bloodless categories." Nevertheless the book is a remarkable one. Its philosophy is dogmatic and pretentious. It is written in an uncouth jargon of the cloister. And yet there is a fine creative activity within it which occasionally struggles through to illuminating and adequate expression. It is a pity that the style and the method will deter most sociologists from reading it, for its criticism of their theories is bold and searching. Whether right or wrong, Professor Jordan insists on dealing with the fundamental concepts in fundamental ways. And that is a rare and sorely needed enterprise.

With the publication of his interesting little volume on *Navies and Nations* (Boston and New York, Houghton Mifflin Company, 1927;

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285 pp. $4.00) Hector C. Bywater has added another title to the list of his contributions to the study of contemporary naval affairs and sea power. Expert that he is, Mr. Bywater has analyzed the naval situation of today in a thoroughly clear, calm and authoritative manner. He begins with an evaluation of the importance of sea power in the World War, calling the German Empire's neglect to make "instant and vigorous use of the naval forces at her disposal" a "fatal mistake." Had the German authorities seen fit to use the German High Sea Fleet as "their sharpest weapon of war" rather than as a political pawn, the maintenance of an effective British blockade might have been rendered "precarious, if not impracticable." There follows a discussion of the status of Great Britain's post-war fleet, and of the problems of imperial defense and imperial strategy facing the British navy at present. Only since the war has the factor of naval power played an important part in the international relations between the United States and England. Naval rivalry had been far from the least of the grievances of England against Germany before the War, and now a new rival was to appear in America, where President Wilson and his followers, seeing "in a supreme American fleet the surest guarantee of world peace," were urging the building of the strongest navy in the world. The absence of any real reason for a race in the building of armaments between the two "neighbors across the sea," however, made welcome the calling of the Washington Conference as a means of putting a stop to the imminent exceedingly dangerous and highly expensive competitive programs. The positions taken by the other three great naval powers, Japan, France and Italy, made impossible the reaching of any really satisfactory agreements at the Conference. More than once the atmosphere of the assemblage was "charged with electricity," and it is only by comparing its achievements with the "dismal records of the past," that the Washington Conference assumes the appearance of a "stupendous success." In no case, however, were either the naval interests or the "people" in any of the countries concerned satisfied. After discussing in some detail the individual problems of the respective navies of the United States, Japan, France and the Mediterranean Powers, Mr. Bywater concludes with a chapter on the future restriction of navies. The agreement of 1921 fell far short of accomplishing its purpose of stabilizing the "relative strength of the five principal navies over a long term of years," and it must remain for some future congress to carry limitation by international agreement further, lest the world enter upon a new era of competitive shipbuilding.—WALTER C. LANGSAM.

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As a diagnosis of the lamentable case of the British coal industry a study entitled *The British Coal Dilemma* (New York, The Macmillan Company, 1927; 370 pp. $2.50) by two Americans—Isador Lubin and Helen Everett—is a remarkable product. It manages to combine vigor and form with an almost inhuman degree of what historians like to call dispassionate treatment. It makes accessible in convenient form the much-disputed "sequence of events" in the industry from its halcyon days to the end of the disastrous general strike. It examines the "logic of events" in the psychological terms of the conflicting attitudes and traditions of the mine-owners and the miners as well as in the more usual terms of strict economic analysis. It addresses itself to "facing the issues," considering and appraising the suggested "ways out"—wage reduction, technical advance, a continuance of the competitive system, and nationalization—and rejecting all. If there is a serious quarrel that the self-respecting reader can well pick with the authors it is that they have constructed too neat a plot, perhaps keeping their eye on the fact that, contrary to most mystery-tales, the solution in this one will never be divulged. Clue after clue is advanced only to be whisked away as soon as it has begun to appear plausible; and the reader who starts the book in the hope that the title is a mere rhetorical flourish finds himself in the end caught in a mesh from which there is no escape. The dilemma is as stark as any in economics or other dialectic. If anything, the authors seem to lean somewhat to nationalization and the technical overhauling of the whole industry as the more promising of the "ways out," but they are fearfully insistent upon pointing out that no single program is sufficient, or fool-proof, or calculated to bring immediate relief, or separable from the whole structure of British life. It is, in form at least, a most immaculate performance. A nation which has paid little heed to the reports of two Royal Commissions armed with statistics and minutes of evidence will no doubt find still less that is arresting in an analysis that makes the whole problem amazingly complex and soluble only by a Tennysonian combination of self-knowledge and self-control; especially when the situation is described in a strange jargon manufactured in the U. S. A. For it must be apparent that the book is a full-grown product of what has been called in America the Institutional School of economics. Like the similar study of the American bituminous industry by Hamilton and Wright, it develops its argument along the lines laid down by the intellectual assumptions of that school. Like its sister-book it looks for the roots of an "economic problem" in

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the habits of thought of the people concerned with the situation, the crust of their traditions, the dead hand of the past that holds them, the lag between technological and ideological advance, the failure of the structure and functioning of an industry to serve its social purposes. So articulate, in fact, is this book in following out these assumptions that one wonders whether another formula in economic investigation has reached a dangerous maturity.—MAX LERNER.

In the preface to *An Historical Introduction to the Land Law* (Oxford, Clarendon Press, 1927; xxiv, 339 pp. $5.00) Professor Holdsworth remarks that the recent English Property Acts have created a serious problem for English lawyers, for they must learn the new law, but cannot afford to be ignorant of the old. "In the first place, for many years to come," says the author, "no lawyer will be able to advise on many questions of title unless he has both the old learning and the new. In the second place, much of the old learning is, and I think always will be, essential to an intelligent understanding both of the general principles on which the Property Acts are based, and of their actual contents. In the third place, parts of the existing law are not affected by them." In the present treatise the author undertakes to expound the old law and to indicate how it has been altered by the recent legislation. It is divided into four chapters, which deal, respectively, with "The Medieval Land Law (1066-1485)," "The Sixteenth and Early Seventeenth Centuries (1485-1660)," "The Development of the Modern Land Law (1660-1833)" and "The Era of Reform (1833-1925)." The learned author's mastery of his subject and power of lucid exposition are apparent throughout, and it is safe to predict that the work will enjoy a considerable vogue with teachers and students of English land law.

In *The Medieval English Sheriff to 1300* (Publications of the University of Manchester, no. CLXXVI, Manchester, The University Press, 1927; xviii, 291 pp.) Professor William Alfred Morris presents the results of the first comprehensive study that has been made of what Stubbs pronounced to be one of the most important departments of English constitutional history. The data for such a study are so widely scattered in official and other sources that they could be collected only by arduous and prolonged research, and the author deserves all praise for the scholarly enthusiasm that sustained him in his labors. His book is a noteworthy contribution to historical knowledge, and it will long remain the indispensable work on its subject. The author does not give a complete bibliography, but a

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four-page list of abbreviations of titles of books, manuscripts and periodicals referred to in the footnotes indicates the sources and secondary writings upon which he has principally relied. The office of sheriff, Professor Morris believes, originated in the tenth century, reached the culmination of its power during the generation following the Norman Conquest and attained the maximum of its importance as an instrument of centralization during the reign of John. In the first half of the volume the chapters follow a chronological sequence, beginning with the Anglo-Saxon period and coming to the early thirteenth century. In the second half, which deals with the thirteenth century, they are organized by topics, the judicial, executive and fiscal functions of the sheriff being considered separately.

It was hardly to be expected that so attractive a subject for popular presentation as the life of Charles-Maurice de Talleyrand-Périgord could be overlooked in this era of biographical productions. In *Talleyrand, 1754-1838* (New York, G. P. Putnam's Sons, 1927; xiii, 531 pp. $5.00) Mrs. Anna Bowman Dodd has succeeded in painting a skillful word-picture of "one of the most adroit, persistent, defiant and unconquerable natures the world has seen"—of the "cynical, sceptical, scoffing, indifferent Talleyrand." As a contribution to history the volume is not particularly important. It presents no new or hitherto unpublished material and places too much reliance on admittedly untrustworthy sources. Reference is made to the fact that Talleyrand's *Memoirs* are probably falsified and to the bias and prejudice of Michaud's life of the Prince; nevertheless most of the quotations and footnote allusions are based upon these works. Inasmuch as the story of Talleyrand's diplomatic and political activities during the forty years from the time he became Foreign Minister under the Consulate to the ending of his career as ambassador to England in 1834, would "entail a survey of the history of France and Europe during that period," it is disposed of within the scope of one paragraph on page 386. The remaining story falls into two parts. Part One deals with the first half of Talleyrand's life and is entitled "The Training of a Statesman." Part Two is concerned with his marriage, reconciliation with the Catholic Church and death. The hero's early years are cleverly silhouetted against a very interesting sketch of the social background of the period—the gay life at the Court, the *salons,* the philosophy, the bankruptcy and the mistresses. Talleyrand's character was moulded by his environment. He remained the *grand seigneur* even during the reign of the "King with the green umbrella." In his later years he was universally recognized

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as the greatest, that is, the trickiest, statesman of his time. He was loyal only to those whom he loved and to France. Never did his corrupt practices hurt his beloved *patrie*. The biography is thoroughly enjoyable though it seems there is a somewhat too frequent and unnecessary resort to such expressions as "pregnant statements," "wombs of movements" and "umbilical cords of tradition."—WALTER C. LANGSAM.

Written in a clear, elementary style, Dr. Carl E. McCombs' book on *City Health Administration* (New York, The Macmillan Company, 1927; 524 pp. $5.50) is primarily designed for those persons interested in government who have not had technical public health training. The book aims to set forth what the government health agency should do for public health betterment, and how it should be organized and administered. The author states that there is a growing appreciation of the individual's responsibility for his own health maintenance, thanks to popular health education; but he rightly indicates that a great deal of educational effort is necessary to acquaint people with the functions and administration of governmental activities. Part I deals with municipal health functions, and the relations of the preventive and curative health functions. Emphasis is given to the important place of municipal health service in the field of public welfare. "In view of the inherent differences between the functions of prevention of sickness and treatment of sickness with respect to their management," these subjects are discussed under separate headings. Part II deals with the organization and administration of sickness preventive functions; and Part III, with the organization and management of sickness treatment functions. Whether or not such a sharp division as is made here is warranted, will doubtless be questioned by some workers in the public health and medical fields. The detailed discussions of the various topics under these main headings, however, are, for the most part, well handled. Chapters dealing with health employees, their selection, management and training, with health expenditures and revenues, with the relation of municipal health services to other official and unofficial agencies, and with hospital problems are particularly valuable. The scope of public health nursing and the value of separate nursing divisions on a generalized basis will be considered by many to have received too little emphasis in the light of modern experience. The discussion of milk supervision might also be strengthened by reference to reports of the past four years, particularly those of the U. S. Public Health Service dealing with milk codes and milk pas-

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teurization. This volume should prove especially helpful to persons interested in government. It contains much material of value to health administrators.—IRA V. HISCOCK.

William Stuart Howe's little volume entitled *Prospects for World Unity* (Boston, The Four Seas Company, 1926; 256 pp. $3.00) is clearly the product of the personal observation and reflections of its author, rather than of a study in which the technical literature of political and social science, or the thoughts of other students, have been consulted. Beginning with a discussion of the necessity and the possibility of world unity and the hindrances to the achievement of such a result, the author passes to a description of what he conceives to be the social ideas necessary for effecting world unity and the minor institutions in the world which promote the attainment of this end. There follows an extended discussion of the major political groups in the world, "Anglo-American, Mongolian, Russian, French, Latin-American, Mohammedan," and an interesting effort to evaluate their strength as such and in relation to the problem under examination. The possibility of world unity through domination by one of these groups is discussed, and finally the possibility of unity by consent. The rôle of America is projected as part of the rôle of the Anglo-American group and the program as a whole is visualized by the author as the creation of a unified world state (p. 234). The reviewer finds in the views set forth regarding the need for world unity and even for unified world government striking confirmation of the belief that people everywhere are becoming much more ready for radical advances in that direction than he had believed or than politicians and statesmen apparently realize. The idea of a world state or world government seems to be spreading broadly and winning acceptance imperceptibly and almost without resistance in popular thought. On the other hand, the attempt made here (pp. 37-40) to base world unity on religious or moral grounds ("universal brotherhood," "service to mankind") seems to be hazardous if not ridiculous. It seems that calculations of practical benefit to the nations and the people of the world are what have produced such organized international cooperation as we have already secured. The criticism of the League of Nations (pp. 224-225) is captious and in part simply nonsense ("The Conference of Ambassadors has been superior to the Council of the League"). One feels that the goal sought by the author, earnest as he is and courageous as he is, may be in actual process of attainment through the natural processes of international constitutional evolution via the League of Nations. One wishes that

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anxious friends of world peace and progress might be assured that the work is already well under way.—PITMAN B. POTTER.

When Mr. H. H. Fisher of Stanford University set about writing *The Famine in Soviet Russia* (New York, The Macmillan Company, 1927; x, 609 pp. $5.00), he must have been daunted by the complexity of his task. If he was so then, he can look back now at a difficult venture well achieved. His book, in brief, is the complete record that the efforts of the American Relief Administration deserve, but it manages through the author's dexterity to escape being what past experience would lead one to expect and what the peculiar circumstances of Russian relief seemed likely to make inevitable. Consider the complications. To begin with, the famine had to be disentangled from politics, war, civil war, revolution and blockade sufficiently to make it appear what it was, a recurrent phenomenon in the Land of Hunger, merely aggravated by the circumstances mentioned. Historical setting had to be woven out of the strands of controversy and contradiction which characterize recent Russian history. Admitting that American food relief played an enormous part in checking the various European post-war anarchies which were called "Bolshevism," yet fairness demanded that the non-political character of American relief in Russia be demonstrated. This was no easy task, for it involved not only the suspicions of the extreme Communists in Russia, but all sorts of diplomatic considerations in the international arena, and ill-informed or malicious or honestly differing opinion in the United States. Hoover's master-stroke in 1920 of combining agrarian relief in the United States with famine relief in Russia was not achieved without repercussions. Finally, the explanation of the Soviet policy of exporting grain while receiving food relief might have been summary and damning instead of patient and considerate. These complexities (and there were numbers of others) demanded of Mr. Fisher a fairness which might have resulted in a colorless book. It is anything but that and it wisely carries its documentary credentials in short footnotes and long appendices. One cannot deny the author the opportunity to vent a little spleen at fanatic obstructionist Communists and troublesome American critics, and he balances this indulgence with praise where performance showed it due. The endless squabbles which ensued out of the contact of contrasting East and West and of diametrically opposed Kremlin and West Point are resolutely compressed until some of the American participants might almost fail to recognize their experiences in this record of achievement. Time and opinion will doubtless find opportunity to dispute

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some of the minor features of the book, but in its main outlines it seems likely to survive as a remarkably constructed record of the greatest effort of public charity in history.—BARTLET BREBNER.

Principles of Rural Sociology (Boston, Ginn and Company, 1927; vii, 484 pp. $2.84) by Gustav A. Lundquist and Thomas Nixon Carver is intended for the general reader and to serve as an introductory study to the subject of rural sociology in institutions of learning. The twenty-four chapters comprehend the usual topics which have come to be associated with the general subject—land and land policies; rural people and how they think and feel; rural origins, functions, maladjustments, communication, labor and tenancy; farmers and government and farmers in politics; the rural home, religion, education, health, sanitation and leadership; and non-political organizations of country people. Two chapter titles: "Rural Social Origins," and "Rural Maladaptations" suggest the possibility of something new but prove to be new names covering old subjects. Considerable attention is devoted to the economic aspects of rural society, the topics discussed being land, labor and tenancy. Perhaps the most valuable chapter in the book is that devoted to a discussion of farmers' non-political organizations. A comprehensive list and satisfactory discussion of such organizations are contributed. A few chapters consist mainly of social philosophizing which, while interesting and no doubt valuable, has little direct bearing on the topics under consideration. The make-up of the volume is satisfactory. Its style and expression are pleasing and effective. The method of treatment is such as to make its appeal. A fairly comprehensive index renders possible quick access to the subjects sought.—J. M. GILLETTE.

In a volume entitled *Race Contact* (New York and London, The Century Company, 1927; 407 pp. $3.75) Dr. Earl Edward Muntz has undertaken a survey of the contact of whites with native peoples in the New World, in Australia and Polynesia, and in Africa. The study has been carried out most painstakingly and is elaborately documented with references to historical and ethnographic sources. Each area considered is dealt with according to a set scheme. Dr. Muntz first shows how contact with Europeans has affected the economic concepts of the primitive peoples, usually disturbing or overthrowing their standards of values. Then the devastating effect of "civilization" upon the characters of the aborigines is described. The introduction of culture products which tend to alleviate the struggle for existence of the native inhabitants is contrasted with the

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difficulties following upon economic aggression on the part of Europeans. The dismal tale of land-grabbing, wars of conquest and extermination, slavery, forced labor, and all of the customary villainies of "peoples of higher culture" is unfolded. The breakdown of native social organization is shown to be the result of the onslaughts of colonial governments, foreign commercial interests, white colonists, and missionaries. Decimation of the primitive population follows upon the introduction of the white man's rum and his diseases. The well-meaning but misguided efforts of missionaries to save the souls of savages often have merely hastened the destruction of their bodies. Finally, mistakes in the education of primitive peoples generally accompany belated efforts to save them from complete destruction. Now all of this sad cycle is familiar enough to the anthropologist, the sociologist, and the historian. Nevertheless this book is a very useful summary of the operation of these processes in the areas discussed. It should furnish valuable collateral reading for many different types of university courses. But Dr. Muntz's work especially evokes from the reviewer the vain wish that all members of Congress and of similar legislative bodies, all permanent officials in government bureaus dealing with dependent peoples, could be coerced into reading *Race Contact*. For the recital of these histories of greed and murder is enough to arouse the enthusiasm of the reformer in the most cynical politician. Not that politicians or governments have been exclusively responsible for the inhuman treatment of primitive peoples, but such belated remedies as may now be applied can be dispensed most efficiently through governmental agencies. Of course it is almost too late to do anything for the Indian in the United States; nevertheless decency demands that we cease to despoil the dying. The reviewer does not wish to be unduly pessimistic, but he must admit that, in his opinion, if tomorrow a new continent were to be discovered, full of natural resources and untutored aborigines, the greatest boon that civilization could confer upon its inhabitants would be to establish an international blockade which would perpetually prevent the landing upon its shores of all "civilized persons"—even missionaries and anthropologists. In this connection, however, a kind word should be said in behalf of missionaries. Much as they may be criticized for stupid interference with native institutions, it is undoubtedly true that they have generally represented the only disinterested and benevolent agencies of civilization with which primitive peoples have come in contact. Moreover, Boards of Foreign Missions, at any rate in the United States, are making earnest and con-

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certed efforts to grapple scientifically with the problems of primitive peoples, and to apply to their solution all the resources of modern civilization and that philanthropic devotion which the Christian religion seems to be able to inspire in some few of its adherents.—E. A. HOOTON.

In a manuscript of a hundred and fifty pages entitled *The Organization of the British Army in the American Revolution* (New Haven, Yale University Press, 1926; xii, 223 pp.), supplemented by illustrative appendices, Professor Edward E. Curtis presents the state of the English expeditionary forces under Howe, Burgoyne, Clinton and Cornwallis. Much of the account has been drawn from files in the Public Record Office and the abundant notes reveal a sound basis for the text. The first chapter, which gives a general survey of the army, is the most interesting and gives the reader plenty of data for contrasting the eighteenth-century establishment with any modern army. Besides a sketch of the scheme of organization, attention is given to the arms, accoutrements, finances, relation of officers and men, discipline, etc. Then follow chapters on the administrative machinery, recruiting, provisioning and transportation. The study, its brevity considered, is balanced and quite thorough. Yet Professor Curtis' narrative reads as if it had been cut to save space. Despite his care to touch on everything and despite the elaborate documents and reference tables at the back, there is lacking the sense of intimacy one gets from books like C. K. Boltin's *Private Soldier under Washington.* One misses the day's routine of the red-coat in camp, hospital and guardhouse. There is little of soldier philosophy, such as one gets in Fonblanque's *Burgoyne,* nothing of the soldier's impressions of America, such as several recently published journals and letter-books would suggest, no comparison with the organization of the Hessians. In other words, the author sticks close to his line of investigation and even there tells only enough to give a clear general picture.

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